



**CENTRAL  
PINE  
BARRENS**  
JOINT  
PLANNING  
&  
POLICY  
COMMISSION

**Commission Meeting Summary (FINAL)  
for Wednesday, January 19, 2005 (Approved 2/16/05)  
at the Brookhaven Town Hall, 1 Independence Hill, Farmingville,  
2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Mr. Hoffman, Ms. Prusinowski, and Mr. Turner (for Brookhaven), and Ms. Lewis (for Riverhead).

Others present: Staff counsel was Mr. Milazzo. Staff members included Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Born, and Ms. Eichelberger (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board), and Mr. Kiely (from the Brookhaven Town Attorney's Office). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:00 pm by Mr. Scully, with a four member quorum.

Peter A. Scully  
*Chair*

Philip J. Cardinale  
*Member*

Patrick A. Heaney  
*Member*

John Jay LaValle  
*Member*

Steve A. Levy  
*Member*

**Public Comment and Administrative**

Public comments

Summary: *There were no speakers at this time.*

Minutes for 12/15/04: review, approval

Summary: **A motion was made by Ms. Prusinowski and seconded by Ms. Lewis to approve the 12/15/04 meeting minutes as drafted. The motion was approved by a 4-0 vote.**

Summary of Advisory Committee's 01/11/05 meeting

Summary: *Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society and the Vice Chair of the Pine Barrens Advisory Committee (AC), reported that the AC has added the LI Drinking Water Coalition to its roster of member organizations. He also reported that the AC has decided not to pursue the question of whether the Commission should charge fees for processing development and land use applications; that the AC will be working with the Commission staff on the pending updates to the Central Pine Barrens Plan; and that the next meeting of the AC will be in early April.*

Commission meeting schedule for 2005: review, approval

Summary: *It was agreed that the proposed 2/11/05 meeting date will be dropped as it is a holiday in some offices. **A motion was then made by Mr. Deering and seconded by Ms. Prusinowski to approve the attached meeting schedule without the 2/11 date. The motion was approved by a 4-0 vote.** The Commission staff will coordinate the meeting locations.*

New attendees: introductions

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Summary: Mr. Milazzo introduced Ms. Karen Eichelberger, a new Suffolk County Water Authority employee who will be serving as a Commission staff member. Mr. Amper introduced Ms. Susie Husted, the new Program Manager for the Long Island Pine Barrens Society.

## Project Decisions

### **Compatible Growth Area (CGA)**

Cavallo Residential Lot Split / Ridge - Lake Panamoka (200-217-3-6, 24) / hardship: possible decision (hearing held 11/17/04; decision due 2/17/05)

Summary: Ms. Jakobsen summarized this application for the division of a 10,000 sq. ft lot with an existing home, zoned A1 Residence, into two 5,000 sq. ft. lots, one for the existing home and one for the construction of a new home. The hardship application sought relief from the 53% clearing limit to allow 75% of the lot for the new home to be cleared. A significant environmental consideration in this proposal is the presence of Cory Pond, a documented tiger salamander habitat, within 1,000 feet of the project site. Although the project is with 1000 ft of Corey Pond, a documented Tiger Salamander breeding pond, it was determined based on correspondence from the NYS DEC Region 1 office that the proposed project would not have a significant adverse impact to tiger salamanders in the area. The reason supporting this fact is that the vacant lot of the 2 lot split that is intended for a single family residence is surrounded on three sides by existing development and that the values of the upland area to tiger salamanders was significantly diminished years ago in the residential neighborhood once the area became developed. In addition, the Cavallo lots are separated by an existing paved road which further isolates any potential habitat on the future building lot from the breeding pond. **A motion was then made by Mr. Turner and seconded by Mr. Deering to issue a negative declaration under the State Environmental Quality Review Act (SEQRA) for this application. The motion was approved by a 4-0 vote. A second motion was then made by Mr. Turner and seconded by Mr. Deering to approve this application with the conditions recommended by the staff. That motion was approved by a 4-0 vote.**

Longwood Public Library Parking Expansion and Drainage Improvements / Middle Island (200-402-1-24.9; 200-403-1-3, 4): determination of jurisdiction (from 12/15/04; materials previously distributed; no deadline)

Summary: Ms. Jakobsen noted that the Commission had previously received written materials for the parking area and related improvements, and she summarized the issues touched upon in the correspondence and the 12/15/04 Commission meeting.

Ms. Theresa Elkowitz, the consultant for the Longwood Library, was present today along with Mr. David Clemens, the Library Director, and members of the Library staff. Mr. Clemens gave a history of the Library, including its inception, various locations which it has occupied, growth in usage, and space needs.

Ms. Elkowitz then described the specific details of the expansion plans, including the location; road network; adjacent land uses; presence within the CGA; lack of local zoning jurisdiction for the Library's proposals; current and proposed clearing percentages; aerial photographs; acquisition of the parcel adjacent to the Library in 1986 by the Library for future expansion; nearby fresh water wetlands and DEC's jurisdiction; the recharge basin; past Commission jurisdictional determinations for school district proposals within the pine barrens; and the desire of the project sponsor for the Commission to issue a determination

of nonjurisdiction (i.e., to determine that the project does not constitute "development" under the pine barrens law).

A discussion ensued regarding the NYS DEC's jurisdictional areas; the jurisdiction of the State Education Department; and the details of the project (such as additional clearing, paving and storm water discharge). It was agreed that the matter will be deferred to the February Commission agenda.

Hidden Ridge Residential Subdivision / Manorville (200-509-7-1.3, 1.4): determination of jurisdiction (from 7/21/04; no deadline)

Summary: Ms. Jakobsen explained that this project, involving the construction of 18 homes on a 38 acre parcel on the south side of County Route 111 in Manorville, is before the Commission for a determination of jurisdiction. The answer to that question rests in part upon determining, for the purpose of calculating compliance with the vegetation clearing standard, the project site. I.e., is the site the 38 acre parcel or a larger parcel of which it was once part? She noted that this larger parcel was the subject of prior, unrelated, litigation for a different development proposal, and that the "project site" definition question was present in that case as well. The site definition question is pertinent here since it determines whether the current proposal meets the clearing standard or not.

The project sponsors for the current 38 acre portion were requested to provide information on the title history of this parcel going back to 1993 (the date of the pine barrens law), as well as information on the legal subdivision of the 38 acre parcel from the larger site. If the project site is the 38 acre parcel, then the proposal meets the clearing standard and does not require review by the Commission.

Present for today's discussion was Mr. Chic Voorhis, a consultant representing the project sponsor. He explained his understanding of the relationship among the initial 119 acre project which was the subject of litigation involving the Commission (known as the Mirando Nursery application), the subsequent Greystone Estates project which was part of that original 119 acre site and which has now been constructed, and the current Hidden Ridge proposal. A detailed discussion then followed regarding the 1978 and 1993 status of the land involved, and specifically whether the current distinct parcels were single and separate from each other at those times; and the 1996 land division by the Town. Ms. Prusinowski noted that the Town examined the 1978 tax maps during the 1996 land division review, and found that the parcels were shown as single and separate there. Based upon this, the Commission agreed that there is no need for the Commission to act upon the current proposal as long as the Town determines that it complies with the standards.

## **Public hearings**

### **Compatible Growth Area (CGA)**

Rosko Farms Residential Subdivision / East Quogue (900-251-1-92) / Critical Resource Area application (continued from 12/15/04; decision due 3/15/05)

Summary: A separate stenographic transcript exists for this item.

### **Core Preservation Area**

Southaven County Park Trap and Skeet Range Improvements / Yaphank (200-745-1-1, etc.) / hardship (Withdrawal letter received; decision on application currently due 4/14/05)  
Summary: A separate stenographic transcript exists for this item. This application was withdrawn by the applicant.

## Project Decisions

### **Compatible Growth Area (CGA)**

Dragone Vegetation Clearing for Existing Home / Manorville (200-590-3-28.2) / hardship: decision extension request to 2/16/05 (hearing held 12/15/04; decision currently due 2/15/05; today is last regular meeting before then)

Summary: **A motion was made by Ms. Lewis and seconded by Mr. Deering to accept and approve the requested extension of this decision deadline to 2/16/05. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Mr. Turner.**

Julia Estates Residential Subdivision / Manorville (200-676-2-12, 13) / hardship: schedule hearing (decision due 4/14/05)

Summary: Mr. Born recommended that this application for a the seven lot subdivision of a 13.8 acre site zoned A2 Residence on the southeast corner of Wading River Road and Jerusalem Hollow Road, Manorville be scheduled for a public hearing. **A motion was then made by Mr. Turner and seconded by Ms. Lewis to schedule a public hearing on this application for the 2/16/05 Commission meeting at 3:00 pm. The motion was approved by a 4-0 vote.**

### **Core Preservation Area**

Ridge Center Day Care / Ridge (200-351-1-10) / hardship: status (hearing held 12/15/04; decision due 2/18/05)

Summary: Ms. Jakobsen reported that a letter has been received from the State Historic Preservation Office regarding the need for a Phase 1 archaeological study on this project site. It was agreed that no further action is required by the Commission until that study is received.

### **Pine Barrens Credit (PBC) Program (Core parcels)**

Gazza / Calverton (600-141.02-3-17, 30) / proposed easement: approval of customized language

Summary: Mr. Born and Mr. Milazzo explained the changes that have been requested by Mr. Joseph Gazza to the standard conservation easement language for these two parcels that he wishes to enroll in the Pine Barrens Credit Program. Mr. Gazza has requested two language changes in each of the parcels' easements. One requested change would eliminate the ability of the Commission and other parties to cross other adjacent and nearby properties of the same land owner in order to reach the easement burdened property. The second change would eliminate the stated right of enforcement by third parties.

During the discussion that followed, issues touched upon included whether the other properties of the landowner in the area which are not burdened by written easements would become nonetheless encumbered by the traversal of the easement holders across those parcels over time; the need for the Commission or other named third parties to either

access or enforce the easement, whether the standard conservation easement language in the PBC Program should be altered as a result of today's discussion; and whether the changes requested would establish precedents of various kinds.

It was agreed that today's decision will focus solely upon the two specific proposed easements in question for the subject parcels, and that the larger question of changing the standard easement would be reserved for a future discussion. **A motion was then made by Mr. Deering and seconded by Ms. Prusinowski to agree to the first of the requested changes regarding access over other parcels of the land owner, but to deny the second requested change. The motion was approved by a 4-0 vote.**

### **Core Preservation Area**

Southaven County Park Trap and Skeet Range Improvements / Yaphank (200-745-1-1, etc.) / hardship (hearing held earlier today; withdrawal letter received)  
Summary: Mr. Milazzo recommended that the Commission formally accept the SC Parks Department's written withdrawal of this project. **A motion was then made by Ms. Prusinowski and seconded by Mr. Scully to accept the withdrawal of this Core hardship application. The motion was approved by a 4-0 vote.**

### **Other Project and Land Use Items**

#### **Statewide including Central Pine Barrens**

State Office for Technology (OFT) Statewide Wireless Network / Draft GEIS: status; discussion  
Summary: Ms. Carter explained that this plan is intended to provide a statewide network of wireless communications facilities, aiming for 95% coverage for public safety purposes. The Draft Generic Environmental Impact Statement was issued, and although the Commission was not included in the coordination for this under SEQRA, the proposal affects the Central Pine Barrens region and the Commission is an involved agency if any of these facilities are to be constructed in the Central Pine Barrens.

She explained that the Commission staff's short notice of the DGEIS' existence prompted her to submit initial comments and to request an extension of the comment period deadline in order to prepare a more detailed response. The Towns and the County do not appear to have jurisdiction over this proposal. It was noted that the Adirondack Park Agency has also submitted comment about this project with respect to their state jurisdiction. It was also noted that there are two general issue areas for the Commission: ECL Article 8 (SEQRA) and ECL Article 57 (Pine Barrens law).

A discussion followed regarding the responsibility of the project sponsor to respond to comments; whether a Supplemental GEIS would be done to address the Commission's and other state agencies' comments; the approach contained in the proposal for minimizing the number of sites, as well as the order of priority for selecting them; the applicability of various Pine Barrens Plan provisions to any construction within the pine barrens; the specific types of impacts associated with such towers (including, for example, bird impacts; and the need to communicate with the project sponsor in writing to emphasize their obligations as a state agency to comply with the provisions of ECL Article 57. The Commission instructed the staff to write a second letter to OFT.

## **Compatible Growth Area (CGA)**

Shoreham Wading River School District Land Use and Development Proposals: overview of separate proposals; project site definition

Summary: Ms. Carter described three pending land use proposals involving the Shoreham Wading River School District. The first is a Draft EIS for the Shoreham Wading River Middle School. She noted that she has submitted comments upon that document, and observed that this project, located within the CGA, appears to not meet the Plan's clearing standard and therefore requires a CGA hardship permit from the Commission. The second is a proposed land swap with Brookhaven Town. This proposal requires a determination of jurisdiction by the Commission, and should be reviewed at next month's meeting. Additional information on this proposal has been requested. The third proposal is the expansion of the High School.

Taken together, these proposals require the Commission and staff to address the question of what the overall "project site" is, a question which must be answered in order to determine the compliance of the suite of projects with the pine barrens act and Plan. A brief discussion followed regarding the need to look at these together under SEQRA; the need to determine whether any of the parcels are in the Core Preservation Area or have other relevant restrictions upon them; and the need to examine the surveys of some of the properties to resolve what currently appear to be possible inconsistencies. It was agreed that this will be addressed again at a future meeting, when additional information is available.

Villas at Medford Condominiums (200-574-2-15): prior approval; pool house and restoration (CGA permit granted 6/30/99)

Summary: Ms. Jakobsen described this completed residential project on the east side of NYS Route 112 which received a CGA permit from the Commission in 1999. The original review by the Commission looked at the inability of the project design at that time to meet the 65% clearing limit, and the Commission's eventual approval incorporated a specific site plan with a landscaping component. The project now has a pool on site with an as yet unbuilt pool house to be added, and these items are not contemplated in the 1999 approved site plan. The project sponsor's representative, Mr. Chic Voorhis, who was present today, has contacted the Commission staff regarding possibly amending the 1999 approval. It was also noted during the discussion that there may be a violation on the site at present. There was no decision today on this matter, and it will be placed on the next Commission agenda.

## **Adjournment**

Summary: The meeting was adjourned without a formal adjournment resolution.

## **Attachments (in order of discussion):**

1. Attendance sheet (1/19/05; 2 pages)
2. Project location map for today's meeting (1/19/05; 1 page)
3. Draft Commission 2005 meeting schedule (undated; 1 page)
4. Dragone decision extension request letter (12/27/04; 1 page)
5. SC Parks Department Southaven Park application withdrawal letter (1/18/05; 1 page)

**Commission Meeting Summary (FINAL)  
for Wednesday, February 16, 2005 (Approved 3/16/05)  
at Brookhaven Town Hall, 1 Independence Hill, Farmingville,  
2:00 pm**



Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), and Ms. Lewis (for Riverhead).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Born, and Ms. Eichelberger (from the Commission). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:08 pm by Mr. Scully, with a four member quorum.

Peter A. Scully  
*Chair*

### **Public Comment and Administrative**

Philip J. Cardinale  
*Member*

#### **Public comments**

Patrick A. Heaney  
*Member*

Summary: The first speaker was Mr. Frank Murphy, an attorney with Keyspan's Legal Department. He read the attached statement, expressing appreciation for the effort of the Commission and staff in reviewing the current Keyspan gas main application; emphasized the need for this project to be underway in the last quarter of 2005; encouraged the Commission to hold a special meeting to determine the completeness of the Draft Environmental Impact Statement; mentioned the Mill Road alternative route; described Keyspan's desired progress dates; and Keyspan's freshwater wetland permit applications with the NYS DEC for the Mill Road alternative route.

John Jay LaValle  
*Member*

Steve A. Levy  
*Member*

The second speaker was Mr. Charles Heilman, representing himself. He stated that he believes that the pine barrens' future is in jeopardy; that he has seen a composting company's employees wearing hazardous materials suits near the LI Expressway and has called several agencies re this, including the US EPA, the NYS DEC, and the Pine Barrens Commission; that there are composting sites near schools; that there are no permits for these sites; that roads have been bulldozed in wooded areas; that he was with a Town inspector today and they saw concrete mixed in with compost; and that a scientific study of compost is needed.

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The third speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he stated that there is insufficient time to review the Draft EIS for the Keyspan gas main project; that he is concerned about the "B" alternative; that he is not eager to delay the review and that the Society will have their comments to the Commission within seven days of the Commission's determination that the DEIS is complete. Second, he recommended that the Commission allocate more time at its meetings to address stewardship, Plan review, and similar topics.

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Minutes for 1/19/05: review, approval

Summary: The following changes were made to the 1/19/05 draft meeting summary: (1) under "Cavallo Residential", an insertion should be made after the third sentence which summarizes the specific NYS DEC comments regarding that site's tiger salamander issue; (2) under "Hidden Ridge Residential Subdivision", the last sentence should read as follows: "Based upon this, the Commission agreed that there is no need for the Commission to act upon the current proposal as long as the Town determines that it complies with the standards."; (3) under "State Office for Technology Statewide Wireless Network", the following sentence should be added to the end of the last paragraph: "The Commission instructed the staff to write a second letter to OFT.". **A motion was then made by Mr. Deering and seconded by Ms. Lewis to approve the 1/19/05 meeting summary with these changes. The motion was approved by a 4-0 vote.**

Work session(s) scheduling

Summary: It was agreed that an additional meeting will be scheduled for the purpose of conducting a work session. **A motion was made by Mr. Turner and seconded by Ms. Lewis to schedule an additional Commission meeting for 3/9/05 at 9:00 am at the Brookhaven Town Hall. The motion was approved by a 4-0 vote.**

## Project Decisions

### Compatible Growth Area (CGA)

Longwood Public Library Parking Expansion and Drainage Improvements / Middle Island (200-402-1-24.9; 200-403-1-3, 4) / determination of jurisdiction: status (from 1/19/05; materials previously distributed; no decision deadline)

Summary: Present for today's discussion were Mr. John Heidelberger, attorney for the Library, and Ms. Theresa Elkowitz, consultant for the Library for this project. Distributed today and attached here are a 2/7/05 letter from Mr. Heidelberger, a copy of the Longwood Library Charter, and a set of photographs and drawings of the Longwood Library site.

Mr. Milazzo reported that he has discussed this project with Mr. Heidelberger, and he summarized their discussions regarding the five parcels which comprise the Library site. Ms. Elkowitz detailed the areas involved in the proposed parking and drainage improvements. Mr. Milazzo described the development and "nondevelopment" provisions of the pine barrens law that may be relevant to this project. Ms. Elkowitz described the DEC freshwater wetland permit application.

The ensuing discussion focused upon the development definition in the law, especially Section 57-0107(13)(l). Mr. Heidelberger described his work over the years for the Library; his belief that the current project is not subject to the Commission's jurisdiction; his opinion regarding the applicability (or non applicability) of the law and the Plan to this project; and the component parcels on this site and their histories.

Ms. Elkowitz then spoke about the development and "nondevelopment" provisions of the law and the Plan; her experiences during the time of the law's drafting; the location of the parcels; the goals of the law and the Plan; the improvements that would be accomplished for stormwater runoff handling on this site; and the Commission's prior determinations regarding school district projects in the CGA.



*Mr. Amper of the LI Pine Barrens Society then spoke about the potential for this project to further erode the Commission's authority, and that he is not opposed to the project, but is opposed to the issuance of a nondevelopment determination.*

*Mr. Scully asked if the Commission has ever addressed the question of defining the phrase "public improvement", and Mr. Corwin said that it had not. It was agreed that this matter will be addressed later in the meeting.*

Dragone Vegetation Clearing for Existing Home / Manorville (200-590-3-28.2) / hardship: status; decision or extension (*hearing held 12/15/04; decision due today*)

*Summary:* Mr. Born summarized this CGA application for relief from the clearing standard for a 1.25 acre parcel zoned A2 Residence which contains an existing home. The application seeks additional clearing to increase the amount of cleared area from the current 33.8% to 45%, thus seeking relief from the clearing standard of 35%. He noted that the previously posed questions regarding a survey inconsistency and ownership of the parcel have been resolved by the Suffolk County Real Property Tax Service Agency and the owner, respectively. Mr. Born distributed and went over the attached staff recommendation for this project, which includes a recommendation for a denial.

***Following a brief discussion, a motion was made by Ms. Lewis and seconded by Mr. Deering to issue a negative declaration and a denial for this application. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Ms. Prusinowski.***

Rosko Farms Residential Subdivision / East Quogue (900-251-1-92) / Critical Resource Area application: status; decision or extension (*hearing held 12/15/04 and 1/19/05; decision due 3/15/05; this is the last meeting before then*)

*Summary:* Mr. Born explained that two pieces of correspondence have been received requesting an extension of the Commission's decision deadline for this project, one from the project consultant and one from the attorney (see attached). He explained that the applicant wishes to reopen the hearing and to be present to discuss both the slope analysis and the species analysis.

***Following a brief discussion on the request and the logistics of scheduling, a motion was then made by Mr. Deering and seconded by Mr. Turner to agree to, and approve, the requested extension to the 4/20/05 meeting. The motion was approved by a 4-0 vote.***

***A second motion was then made by Mr. Deering and seconded by Ms. Lewis to schedule a new hearing on this project for the 3/16/05 Commission meeting at 3:00 pm if the required materials are submitted to the Commission Office by 3/1/05, and, if those materials are not submitted by that date, to schedule the new hearing instead for the 4/20/05 meeting at 3:00 pm. The motion was approved by a 4-0 vote.***

### **Core Preservation Area**

Ridge Center Day Care / Ridge (200-351-1-10) / hardship: status; decision or extension (*hearing held 12/15/04; decision due 2/18/05; this is the last meeting before then*)

*Summary:* Ms. Jakobsen explained that the required archaeological survey of this property has been completed and must be submitted to the State Historic Preservation Office for review. She also reported that the attached request has been received from

*the project sponsor to extend the decision deadline to the 3/16/05 Commission meeting. **A motion was then made by Mr. Deering and seconded by Ms. Lewis to agree to the decision extension request and to approve the requested extension of the Commission's decision deadline to 3/16/05. The motion was approved by a 4-0 vote.***

## **Public hearing**

### **Compatible Growth Area (CGA)**

Julia Estates Residential Subdivision / Manorville (200-676-2-12, 13) / hardship hearing and possible decision extension (*decision due 2/25/05; this is the last meeting before then*)  
Summary: *A separate stenographic transcript exists for this item. During the hearing, the applicant and the Commission agreed to extend the decision deadline to 3/16/05 (see attached request).*

## **Other Project and Land Use Items**

### **Compatible Growth Area (CGA)**

Villas at Medford Condominiums / Medford (200-574-2-15): prior approval; pool house and restoration (*from 1/19/05; CGA permit granted 6/30/99*)  
Summary: *Ms. Jakobsen summarized this project which received a 1999 CGA hardship permit from the Commission. The site is 9.7 acres on the east side of NYS Route 112 in Medford, south of Granny Road and contains 66 multi family units. The project's consultant has approached the Commission staff regarding a request to modify the prior Commission approval to now accommodate a pool house and pool which are being constructed but are not on the originally approved plan rather than the original plan's volleyball court.*

*A discussion ensued regarding treating this as a potential violation; how the Commission has handled and resolved prior violations; what provisions of the pine barrens law would apply here; and the options available to the Commission to handle this issue and request. It was agreed that this will be addressed by first invoking the current Land Use Violation Investigation Protocol, and will be discussed at a future meeting once that has been accomplished.*

## **Plan, Stewardship & Related Issues**

Status of ECL 57 proposed changes (*part of 2004 Plan amendment*)  
Summary: *Mr. Corwin reported that he has spoken with Ms. Liz Gordon of Assemblyman Thomas DiNapoli's Albany Office, and that she is working on the bill drafting of the requested amendments to the pine barrens law with Senator Ken LaValle's Office. Mr. Corwin distributed the attached draft version of the proposed amendments (without any bill number assigned as yet) for review by the Commission members, staff, and interested persons. He noted that the bill is likely to be introduced within a couple of weeks, once it has been checked over for correctness.*

Sarnoff State Preserve Fuel Reduction Demonstration Project / Eastport (900-165-1-1; 900-182-1-1.1): informational item

Summary: Present for today's discussion were Mr. William Patterson and Mr. Brian Kurtz of The Nature Conservancy's (TNC) Long Island Chapter. They explained that TNC has received a National Fire Plan grant from the U.S. Forest Service to conduct a hazard and fuel reduction experiment at the NYS DEC's Sarnoff Preserve in the Flanders area of Southampton Town, in conjunction with the DEC. The project would include both vegetation management and prescribed fire, and issues discussed today were the extent of the Wildfire Task Force's involvement in this project; the location and its characteristics; the techniques and equipment to be used; the sources of the funding; and the application process. The attached maps and photos were distributed and discussed.

## **Project Decisions**

### **Compatible Growth Area (CGA)**

Longwood Public Library Parking Expansion and Drainage Improvements / Middle Island (200-402-1-24.9; 200-403-1-3, 4) / determination of jurisdiction: status (from 1/19/05; materials previously distributed; no decision deadline)

Summary: **A motion was made by Mr. Turner and seconded by Ms. Lewis to find that the Longwood Library parking lot expansion project does constitute "development" under the pine barrens law. The motion was approved by a 4-0 vote.**

## **Adjournment**

Summary: **A motion was made by Mr. Scully and seconded by Mr. Deering to adjourn the meeting. The motion was approved by a 4-0 vote, and the meeting ended at 4:35 pm.**

## **Attachments (in order of discussion):**

1. Attendance sheet (2/16/05; 2 pages)
2. Project location map for today's meeting (2/16/05; 1 page)
3. Statement of Mr. Murphy of Keyspan (undated; 2 pages)
4. Letter from Mr. Heidelberger re Longwood Library (2/7/05; 4 pages)
5. Fax of Longwood Library Charter (2/8/05; 3 pages)
6. Photographs and drawings of Longwood Library site (misc. dates; 3 pages)
7. Staff recommendation re Dragone project (2/16/05; 2 pages)
8. First decision postponement request for Rosko Farms project (2/10/05; 1 page)
9. Second decision postponement request for Rosko Farms project (2/16/05; 2 pages)
10. Request for decision extension for Ridge Day Care Center application (2/10/05; 1 page)
11. Request for decision extension for Julia Estates application (2/15/05; 1 page)
12. Draft of ECL 57 amendments (2/16/05; 10 pages)
13. Maps and photographs of the Sarnoff demonstration site (undated; 4 pages)

**Commission Meeting Summary (FINAL)  
for Wednesday, March 9, 2005 (Approved 3/16/05)  
at Brookhaven Town Hall, 1 Independence Hill, Farmingville,  
9:00 am**



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COMMISSION

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Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), Ms. Lewis (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff members included Mr. Corwin, Ms. Mills, Ms. Carter, Mr. Born, Mr. McNally, and Ms. Eichelberger (from the Commission), Dr. Green (from the Brookhaven National Laboratory and Chair of the Protected Lands Council's Technical Subcommittee), Mr. Jones (from the Suffolk County Water Authority and Chair of the Pine Barrens Advisory Committee), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Isles (from the Suffolk County Planning Department), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board), Mr. Kiely (from the Brookhaven Town Law Department), and Mr. Amper (from the Long Island Pine Barrens Society and Vice Chair of the Pine Barrens Advisory Committee). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 9:27 am by Mr. Scully, with a four member quorum consisting of Mr. Scully, Mr. Deering, Ms. Lewis, and Mr. Shea.

### **Public Comment and Administrative**

#### **Public comments**

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he mentioned that he has reviewed past Commission meeting minutes, and that the Commission sees, he believes, each development application four times on average during the course of its review. He suggested that the efficiency of the Commission's meetings, and the use of the staff's time, could be greatly enhanced by identifying "fatal flaws" in new development applications early in their review, and thereby avoid excessive discussions of those projects.

Second, he reported that there is a new development proposal being submitted to Brookhaven Town in the CGA in Yaphank, known as Silver Corporate Park. He stated that it is a 650 unit planned retirement community on the site of the former American Tissue application, and that it is a Development of Regional Significance. He suggested that the Commission should consider requesting lead agency status and that the Commission's review should be closely coordinated with that of the Town.

Ms. Prusinowski arrived during the following item, and a five member quorum was present for the remainder of the meeting.

### **Project Decisions**

## **Core Preservation Area**

Keyspan Gas Main / Manorville to Riverhead (LI Expressway; Brookhaven, Southampton) / hardship: DEIS completeness determination (*hearing begun 3/17/04 and continued 10/20/04; ECL 57 decision runs with SEQRA; pos dec issued 11/17/04; DEIS completeness determination due 3/11/05 - today is last meeting before then*)  
Summary: *Mr. Corwin explained that Ms. Jakobsen had previously submitted the attached comments to Keyspan identifying changes that the Commission staff believes should be made to the Draft Environmental Impact Statement (DEIS) before it can be determined to be complete. Mr. Steve Dalton of Keyspan assured the Commission that those changes were made to the DEIS, and that the revised DEIS had been submitted by overnight mail to the Commission on Monday.*

*Mr. Corwin also distributed the attached draft resolution from staff counsel for such a determination of completeness. Mr. Scully explained that staff counsel has recommended that a new ECL 57 hearing be held on the application since the prior hearing had focused upon Alternative "B", and the emphasis now in the application and DEIS is upon Alternative E (i.e., the Mill Road route). It was also noted that SEQRA regulations encourage agencies to combine their hearings with SEQRA hearings, so that the new hearing would be upon both the DEIS as well as the application.*

*A discussion ensued regarding the SEQRA regulations' requirements regarding publishing a notice of a hearing on the DEIS; the minimum DEIS comment period of 30 days; the requirements regarding the time periods within which the SEQRA hearing can be held; the Commission's current meeting schedule; the amount of time needed to distribute the DEIS to the appropriate recipients and to allow them to read the materials; and the length of the comment period.*

***A motion was then made by Mr. Shea and seconded by Mr. Deering to adopt the attached resolution deeming the revised DEIS to be complete, with the change to the resolution that the hearing will be for the dual purposes of SEQRA and ECL Article 57; that the hearing will be held at the Commission's 4/20/05 meeting at 3:00 pm; and that the comment period will be open until the close of business on 5/2/05. The motion was approved by a 5-0 vote.***

## **Plan, Stewardship and Related Issues**

Discussion of Potential Uses of 2004-2005 State Stewardship Funding

1. Review and Status - 2005 Draft Protected Lands Council Work Plan
2. Discussion of Possible "On the Ground" Projects for 2005

Summary: *Dr. Green discussed the recent work of both the Foundation for Ecological Research in the Northeast (FERN; of which he is Chair) and of the PLC's Technical Subcommittee (which he also chairs).*

*With respect to FERN, he described the work currently underway to produce a set of ecological monitoring protocols for the pine barrens, the current and anticipated funding sources for FERN, and the future staffing needs for the organization. He then described the generation of a task list of projects for 2005 (see attached work plan) by the Protected Lands Council's Technical Subcommittee. He also distributed and discussed the two attached items regarding possible Requests for Proposals that the PLC is proposing funding using some of the stewardship funds. One is for an invasive plant inventory and assessment, and the other is for the production of a monitoring system for fire,*

*mechanical and other treatments of protected conservation lands.*

Mr. Turner arrived during the following discussion.

Status Report and Discussion – Comprehensive Land use Plan Update

1. Overview of Work to Date and Materials Submitted to Advisory Committee
2. Discussion of Specific Policy Issues Identified to Date in Volume 1 Work
3. Clarification of CLUP Update Process and Projected Timetable for Completion

Discussion of Workload, Staffing Levels and Related Issues

1. Workload Issues and Need for Additional Staff
2. Organizational/Administrative Issues

*Summary: Mr. Corwin described the prior Plan reviews and amendments that have occurred, and the provisions in the pine barrens law that govern the review and update process. Mr. Born then handed out and discussed the attached Draft Plan Update Schedule, recently updated; the attached interagency information requests that are necessary to the Plan update; and the attached Plan policy spectrum identifying a select set of policy issues upon which the Commission will need to eventually make decisions for incorporation into the updated Plan. With respect to the last item, each policy item was discussed in detail, with specific attention to both the current position or policy in the Plan for each item, and what the revised version might be.*

*A discussion ensued regarding the Compatible Growth Area land use status, what policies might be needed there, and what analysis should be completed prior to making any policy statements in the revised Plan. The roles of the Advisory Committee and the various Commission councils and committees were also discussed.*

*The current staffing level, and typical work tasks of the Commission staff were summarized by Mr. Scully, who noted that different ideas have been mentioned about the need for general purpose versus specialized staff, the need to allocate available staff time among the various duties of the Commission and its councils, and how best to achieve the best staffing level and organization. It was noted in the ensuing discussion that funding for staffing must be considered along with questions of staffing levels and organization.*

*Mr. Scully proposed the creation of three short term (approximately 60 day duration) committees to examine three immediate topics. The first two would look at two “on the ground” stewardship projects that could be accomplished during the current calendar year, using the current stewardship funding.*

*One would be a trail access at the corner of CR 111 and Hot Water Street in Manorville (where the transfer of the Hot Water Street and Toppings Paths rights of way from Brookhaven Town to the County are imminent), and a second project would be a public access point and trail on the east side of CR 31 in Westhampton. With respect to the former, he suggested that the members of that committee include, in part, Suffolk County Parks, Brookhaven Town, NYS DEC, and several specific individuals. Mr. Turner agreed to chair this committee. With respect to the latter, he suggested that the committee include Southampton Town, The Nature Conservancy, NYS DEC, the Suffolk County Water Authority, Suffolk County Parks, Quality Parks, and several specific individuals. Mr. Jones agreed to chair this committee.*

*The third committee will examine the current and future staffing needs of the Commission, and he suggested that it include Mr. Turner (from Brookhaven Town), Suffolk County Parks, Dr. Green (of BNL), The Nature Conservancy, Mr. Jones (of the SCWA), the LI*

*Pine Barrens Society, and the Commission staff. It was agreed that Mr. Turner will organize this committee.*

#### Revisions to Pine Barrens Credit Program Standard Conservation Easements

Summary: *Mr. Corwin distributed and explained the attached one page handout regarding the recently discussed possibility of changing the language of the standard Pine Barrens Credit Program conservation easement. He explained that Mr. Joseph Gazza, a frequent applicant to the Credit Program, has regularly requested, and received, from the Commission a customization of the standard easement which precludes access by third parties to the easement from crossing his other lands to reach his subject properties. The possibility has been raised of making such a change a standard part of the easement. Staff members, including staff counsel, have examined the pros and cons of this proposal, and Mr. Corwin recommended that there not be any change to the standard easement, but that applicants to the Credit Program continue to request customizations as they see appropriate on a case by case basis. The Commission informally agreed with that recommendation.*

#### **Adjournment**

Summary: *The meeting was adjourned at approximately 11:50 am without a formal adjournment resolution.*

#### **Attachments (in order of discussion):**

1. Attendance sheet (date; 2 pages)
2. Staff comments on Keyspan Draft EIS (undated; 2 pages)
3. Draft resolution re Keyspan gas main DEIS completeness (undated; 2 pages)
4. LI Pine Barrens Society comments upon Keyspan DEIS (3/9/05; 6 pages)
5. PLC 2005 Work Plan Schedule (3/8/05; 1 page)
6. PLC LI CPB Invasive Plant Inventory and Assessment Project (undated; 1 page)
7. PLC Draft RFP for Monitoring System Development (01/24/05; 1 page)
8. Comprehensive Land Use Plan Update Project Schedule (3/8/05; 1 page)
9. Comprehensive Land Use Plan Update Interagency Information Request (3/9/05; 4 pages)
10. Comprehensive Land Use Plan Update Plan Policy Spectrum (3/9/05; 3 pages)
11. Handout regarding PBC conservation easement language (3/9/05; 1 page)

**Commission Meeting Summary (FINAL)**  
**for Wednesday, March 16, 2005 (Approved 4/20/05)**  
**at Brookhaven Town Hall, 1 Independence Hill, Farmingville,**  
**2:00 pm**



**CENTRAL  
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BARRENS**  
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PLANNING  
&  
POLICY  
COMMISSION

Peter A. Scully  
*Chair*

Philip J. Cardinale  
*Member*

Patrick A. Heaney  
*Member*

John Jay LaValle  
*Member*

Steve A. Levy  
*Member*

Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Mr. Turner (for Brookhaven), Ms. Lewis (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Born, and Ms. Eichelberger (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board), Mr. Bagg (from the Suffolk County Planning Department), Mr. Proios (from the Suffolk County Department of Environmental Affairs). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:07 pm by Mr. Scully, with a five member quorum.

#### **Public Comment and Administrative**

Public comments

Summary: *There were no speakers.*

Minutes for 2/16/05 and 3/9/05: review, approval (faxed)

Summary: **A motion was made by Mr. Deering and seconded by Ms. Lewis to approve the 2/16/05 meeting summary. The motion was approved by a 5-0 vote.**

*The following changes were made to the draft 3/9/05 meeting minutes: under "Workload, Staffing and Related Issues", (1) it should be noted that Mr. Turner will chair the committee to oversee a plan for the public access and stewardship project at the intersection of CR 111 and Hot Water Street in Manorville, and (2) it should be noted that Mr. Jones will chair the committee to oversee a similar project along CR 31 in Westhampton. **A motion was made by Mr. Shea and seconded by Mr. Deering to approve the 3/9/05 meeting summary with these changes. The motion was approved by a 5-0 vote.***

#### **Other Project and Land Use Items**

##### **Compatible Growth Area (CGA)**

Suffolk County Center Improvements / Southampton (900-137-1-27): overview of County Center, Jail, and Court projects (SC Department of Public Works)

Summary: *Mr. Deering noted that SC Department of Public Works, the SC Planning Department, the SC Council on Environmental Quality,*

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0587

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and the SC Department of Environmental Affairs are represented today for this discussion. Present for today's meeting from the Department of Public Works was Mr. Keith Larsen, an architect and the project manager for some of the County's projects here.

Mr. Corwin briefly explained the sequence of events that led to today's presentation, and noted that the County is considering several projects at the County Center Complex in Southampton Town, and described the Commission's desire to see an overview of those projects together. He also noted the location of the site within the CGA, and adjacent to (but outside of) the Core area. For one of these component projects, the Commission has received (and needs to respond to) a SEQRA lead agency coordination from the NYS DEC for both wetlands and Wild, Scenic and Recreational Rivers permits.

Mr. Larsen described the parking problems and needs on the site; the expansion of the Legislative meeting room; the needs of the records storage facility, the court and the jail; the location of the wetlands and existing vegetation on the site; and the areas that would be cleared for these new projects. A discussion, and a sequence of questions and answers, ensued regarding these topics. It was agreed that the Commission should seek lead agency status for the specific coordination request previously noted, and that the County should file a single CGA application for the set of projects being proposed in the complex.

## Project Decisions

### **Compatible Growth Area (CGA)**

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of Regional Significance: extension request (hearing held 10/17/01; decision currently due today)

Summary: Ms. Jakobsen explained that the attached written request has been received from this project's representative requesting an extension of the Commission's decision deadline on this application until the Commission's May 2005 meeting. **A motion was then made by Mr. Deering and seconded by Ms. Lewis to agree to, and approve, the decision extension request to the 5/18/05 Commission meeting. The motion was approved by a 5-0 vote.**

Julia Estates Residential Subdivision / Manorville (200-676-2-12, 13) / hardship: decision or extension (hearing held 2/16/05; decision due today)

Summary: Mr. Thomas Cramer, the project's representative, read a letter that he received from the Brookhaven Town engineering department regarding possible modifications to the proposed roadway which would reduce the amount of clearing that the project would require. Mr. Born distributed the attached staff report and went through the details of the project, including how it compares to the CGA hardship criteria. He recommended that a negative declaration be issued, along with an approval with the conditions specified in the staff report. A discussion followed regarding the proposed clearing areas, especially the roadway, as well as the location and configuration of the areas to be either left in native vegetation or revegetated with native plants.

**A motion was made by Mr. Turner and seconded by Ms. Lewis to issue a negative declaration under the State Environmental Quality Review Act for this project. The motion was approved by a 5-0 vote.**

**A second motion was then made by Mr. Scully and seconded by Mr. Shea to approve the application and to deem that the applicant has demonstrated a hardship with the following conditions, modified from the staff report: (1) the buffer areas within each proposed lot, as illustrated in Exhibit 4 of the February 16, 2005 hearing record entitled "Tree Clearing Plan of Julia Estates at Manorville", excluding the 40 foot strips numbered as 1 and 7, shall be included as part of the area designated "Area to be Dedicated to the Town of Brookhaven" on said exhibit; (2) the applicant shall pursue a narrower design for the proposed cul-de-sac with the Town of Brookhaven Highway Department in order to further reduce clearing of natural vegetation on site; and (3) native vegetation shall be used in all revegetation work on site. The motion was approved by a 5-0 vote.**

### **Core Preservation Area**

Ridge Center Day Care / Ridge (200-351-1-10) / hardship: decision (hearing held 12/15/04; decision due today)

Summary: Ms. Jakobsen explained that the attached written correspondence was received yesterday from Ms. Leigh Rate, the attorney representing this project's sponsor. Ms. Jakobsen then summarized the details and processing of this proposal to date, including its history before the Town Planning and Zoning Boards, the litigation in which the Town and the project sponsor have been involved, and the decision to disapprove the proposal by the SC Planning Commission in May of 2004. Mr. Milazzo described the prior project litigation of which he was aware, the reason for the SC Planning Commission's review, and the two constituent elements of this application, namely the change of zone and the construction of the proposed building.

Mr. Martin Kozmynka, the owner of the site, spoke about the experiences that he has had with this project in trying to satisfy both the Town Planning and Zoning Boards, and the separate requirements that they have imposed on this project with respect to zoning lines and requirements, setbacks from NYS Route 25, the lack of notice that the property was in the Core area, parking issues, the litigation, and his attempts to be a fully informed buyer prior to purchasing the property.

Mr. Amper of the LI Pine Barrens Society stated that he was sympathetic with this project's sponsor, and that someone affiliated with the Commission should speak with the applicant to explain the pine barrens issues. Ms. Leigh Rate, the project's attorney, stated that she has gone through the boundary description in the pine barrens law with a colleague and that she finds it difficult to understand this section. She also stated that, during the time that the project was before the Town, no one in the Town identified the property as being in the Core area.

A discussion followed regarding the location of the property in the Core area; the current pattern of development both along this stretch of NYS Route 25 as well as in the immediate vicinity of this parcel; the lack of a "Core roadfront commercial list" analogous to the existing "Core residential exemption list"; the Commission's authority to alter the Core boundary in limited circumstances under the pine barrens law; the purchase of the property by the current owner after the pine barrens law was passed; and the concept of self created hardship and whether this applies here.

The applicant and the Commission members then agreed on an extension of the Commission's decision deadline until the 4/20/05 Commission meeting. **A motion was then made by Ms. Lewis and seconded by Mr. Deering to approve and accept the**

**extension of the Commission's decision deadline to the 4/20/05 Commission meeting. The motion was approved by a 5-0 vote.**

## **Other Project and Land Use Items**

### **Compatible Growth Area (CGA)**

Longwood Public Library Parking Expansion and Drainage Improvements / Middle Island (200-402-1-24.9; 200-403-1-3, 4) / new application: schedule hearing (from 2/16/05; decision deadline is 7/7/05)

**Summary: Ms. Jakobsen reported that a CGA hardship application for this project has been received from the Longwood School District, and recommended that a public hearing be scheduled on it. A motion was made by Mr. Shea and seconded by Mr. Turner to schedule a public hearing on this application for the 4/20/05 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

## **Plan, Stewardship & Related Issues**

ECL 57 proposed changes: bill status; technical change to original language (from 2/16/05)

**Summary: Mr. Corwin reported that the previously recommended changes to the pine barrens law, which were incorporated into a Plan amendment for that purpose in 2004, have been introduced in the State Assembly as bill number A6460, and that the corresponding State Senate bill has not yet been introduced.**

He also explained that a minor correction has been suggested by the Commission staff to the draft of the bill, and distributed the attached copy of A6460 with the proposed corrections hand noted. Mr. Milazzo explained the purpose of the amendments and the specific language relating to the criteria to be required for the issuance of a compelling public need permit. A discussion ensued regarding both the current language of the law in this section, as well as its applicability to address future, hypothetical scenarios where the needs of non pine barrens municipalities might be part of a future proposal or application. As a result of this discussion, it was agreed that the following change to A6460 would be requested. The language at issue in the current A6460 should now read, in part:

*“ . . . The proposed development will serve an essential health or safety need of the {municipality or, in the case of an application serving more than one of the municipalities} MUNICIPALITIES IN THE CENTRAL PINE BARRENS SUCH that the public health and safety require the requested waiver, that the public benefits from the proposed use are of a character that {override} OVERRIDES the importance of the protection of the core preservation area as established in this article . . . ”*

**A motion was then made by Mr. Scully and seconded by Mr. Shea to endorse this technical correction request to the pending legislation. The motion was approved by a 5-0 vote.**

## **Adjournment**

**Summary: A motion was made by Mr. Shea and seconded by Mr. Deering to**

***adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:53 pm.***

**Attachments (in order of discussion):**

1. Attendance sheet (3/16/05; 1 page)
2. Project location map for today's meeting (3/16/05; 1 page)
3. Miscellaneous materials regarding Suffolk County Center (misc. dates; 17 pages)
4. Decision extension request letter for Brookhaven Walk (3/8/05; 1 page)
5. Julia Estates staff report (undated; 2 pages)
6. Letter from Ms. Rate re Ridge Center project (3/15/05; 1 page)
7. Stipulation of settlement for MTK Enterprises (1/22/04; 4 pages)
8. Handout re ECL 57 changes, including A6460 bill draft (3/16/05; 6 pages)



**CENTRAL  
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JOINT  
PLANNING  
&  
POLICY  
COMMISSION**

**Commission Meeting Summary (FINAL)  
for Wednesday, April 20, 2005 (Approved 5/18/05)  
at Riverhead Town Hall,  
200 Howell Avenue (corner of East Main Street), Riverhead,  
2:00 pm**

Commission members present: Mr. Scully (for New York State), Ms. Prusinowski and Mr. Turner (for Brookhaven), Ms. Lewis (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Born, Ms. Eichelberger, and Mr. McNally (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), Forest Ranger Gallagher (of the NYS Forest Rangers), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board), and Mr. Proios and Mr. Bagg (from the SC Planning Department). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully  
*Chair*

The meeting was called to order at approximately 2:07 pm by Mr. Scully, with a four member quorum.

Philip J. Cardinale  
*Member*

**Public Comment and Administrative**

Patrick A. Heaney  
*Member*

Public comments

Summary: There were no comments at this time.

John Jay LaValle  
*Member*

Minutes for 3/16/05: review, approval

Summary: **A motion was made by Ms. Lewis and seconded by Mr. Shea to approve the 3/16/05 meeting minutes as drafted. The motion was approved by a 4-0 vote.**

Steve A. Levy  
*Member*

Report and recommendations from Advisory Committee's 4/12/05 meeting

Summary: Mr. Richard Amper, Vice Chair of the Advisory Committee, distributed and discussed the attached report on behalf of Mr. Stephen Jones, Committee Chair, regarding the Committee's 4/12/05 meeting. The Committee recommended that the Commission examine exactly what activities at the Calverton EPCAL site (the former Grumman property) are exempt from the Commission's development project review, and which are subject to the Commission's review. Mr. Amper noted that the Committee discussed Section 9.2 of the Plan, the Findings Statement, and documents related to the property transfer from the federal government to Riverhead Town.

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In addition, the Committee is keenly interested in determining how much development has occurred in the CGA since the adoption of the Plan in 1995, how much more development has occurred in the CGA due to rezonings since that time, and whether the current state of development in the CGA exceeds the 1995 expectations of what would be present at this point in the Plan's lifetime. Finally, he noted that the Committee

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added the LI Drinking Water Coalition as a new member.

## Project Decisions

### **Compatible Growth Area (CGA)**

Rosko Farms Residential Subdivision / East Quogue (900-251-1-92) / Critical Resource Area application: decision extension and reschedule of hearing (hearing held 12/15/04 and 1/19/05; decision currently due today)

Summary: Mr. Born explained that the attached request for a decision extension on this project was received from the sponsor's representative, as well as a request to reschedule the hearing on this to 5/18/05, provided that the required materials are submitted by 5/4/05. **A motion was made by Mr. Shea and seconded by Ms. Prusinowski to accept and approve the decision extension request to the 5/18/05 meeting, and to reschedule the public hearing to the 5/18/05 meeting provided that the materials are submitted by 5/4/05. The motion was approved by a 4-0 vote.**

### **Core Preservation Area**

Ridge Center Day Care a/k/a MTK Enterprises / Ridge (200-351-1-10) / hardship: decision (hearing held 12/15/04; decision due today)

Summary: Mr. Milazzo reviewed the details and history of this project since the Commission's involvement. He described the Core boundary in this neighborhood along NYS Route 25, and the fact that the property was purchased after the date of the pine barrens law without any understanding by the purchasers that it was in the Core area. Mr. Milazzo also described the court stipulation that resulted from litigation between the project sponsor and Brookhaven Town. It was noted that there are two options available to the Commission in granting relief: the granting of a Core hardship permit or the movement of the Core boundary line by a distance up to 300 feet. Mr. Amper of the LI Pine Barrens Society noted some of the issues that granting the permit might raise, and also noted that, in his opinion, this parcel might have been eligible for inclusion on the Core exemption list if it had not been zoned for a nonresidential use.

**A motion was then made by Ms. Lewis and seconded by Mr. Shea to adopt the following resolution:**

***"Whereas, MTK Enterprises, Inc., submitted a Core Preservation Area hardship to the Central Pine Barrens Joint Planning and Policy Commission for an exemption to construct a 7,271 square foot building for use as a daycare facility on a vacant 64,806 square foot parcel located on the south side of Middle Country Road in Ridge on October 21, 2004, and,***

***Whereas, the Core Preservation Area in the vicinity of the parcel is defined as proceeding ". . . thence northward, westward, and southward along the easterly, northerly, and westerly boundaries of the NYS Middle Island State Game Farm and Environmental Education Center to NYS Route 25; thence westward along the southerly side of NYS Route 25, excluding all parcels abutting that road which are developed as of June 1, 1993, to Giant Oak Road . . .," and, Article 57 of the Environmental Conservation Law requires the***

***prohibition or redirection of new development from the Core Preservation Area, and***

***Whereas, applicant's parcel is within the Core Preservation Area because it was not developed as of June 1, 1993 and applicant's proposal constitutes development which is to be prohibited or redirected from the Core Preservation Area unless the Commission waives strict compliance pursuant to a finding that the waiver is necessary to alleviate a hardship, and***

***Whereas, the parcel is zoned both J-2 Business and A-1 Residential, is located within a commercial center on the south side of State Route 25, is bordered on the south by existing residential development, on the east by an existing United States Post Office and on the west by a Taco Bell and Suffolk Oxygen, and existing commercial development on the north side of Route 25, and***

***Whereas, if the parcel was entirely residentially zoned it would have been a candidate for inclusion on the road front exemption list in Chapter 9 of the Plan, and***

***Whereas, MTK had applied to the Town of Brookhaven for permission to construct a daycare facility on the parcel and received approval from the Brookhaven Zoning Board of Appeals, and***

***Whereas, after receiving Zoning Board of Appeals approval, the applicant applied to the Town of Brookhaven. The Town's planning staff coordinated an environmental review with the Commission. Upon receipt and review, the Commission informed both the Town and the applicant that the parcel is in the Core Preservation Area. Thereafter, the Town required the Applicant to apply to Commission for approval for the daycare facility, and***

***Whereas, a public hearing on the Core Preservation Area hardship request was held by the Commission on December 15, 2004 and,***

***Whereas, the applicant requested and the Commission granted an extension of the decision deadline from February 18, 2005 until March 16, 2005 to allow the completion of a Phase 1 archaeological survey required by the New State Office of Parks, Recreation and Historic Preservation, and a second decision deadline extension was agreed to by the applicant and the Commission to extend the decision deadline to April 20, 2005, to allow the Commission further time to deliberate and consider all materials submitted, and***

***Whereas, the Commission coordinated an environmental review of the project pursuant to the New York State Environmental Quality Review Act, ("SEQRA"), and***

***Whereas, the archaeological survey has been completed and no further archaeological work is necessary, and***

***Whereas, included with the application were letters of support for the project from the Ridge Civic Association, and***

**Whereas, the Commission has considered all materials submitted in connection with the application including the transcript of the public hearing, now therefore, be it**

**Resolved, pursuant to SEQRA, the Commission hereby determines that the proposal constitutes an unlisted action, and the grant of the application will not have a significant adverse impact on the environment as defined pursuant to SEQRA and issues a negative declaration on the project, be it further,**

**Resolved, the applicant has demonstrated that in order to alleviate a hardship it is necessary to waive strict compliance with the Plan and Article 57 and allow the construction of a 7,271 square foot building to be used as a daycare facility due to the unique circumstances of the parcel and relate to and arise out of the characteristics of the subject parcel rather than the personal situation of the applicant. Applicant's undeveloped parcel is located within a commercial center on Route 25 and is surrounded by improved parcels, and be it further,**

**Resolved, the exemption granted is the project depicted on the site plan entitled "Ridge Center Situated at Ridge, SCTM 0200-351-01-010, Town of Brookhaven, Suffolk County, New York" prepared by Kenneth H. Beckman, L.S., for North American Realty Group, with a revision date of November 19, 2003 subject to the following conditions:**

- **there shall be no change in the use of the building which results in any environmental impacts, including, but not limited to, additional parking requirements, the generation of industrial waste or additional sanitary waste, or additional clearing, without first receiving approval of the Commission, and**
- **all landscape plants identified on the site plan shall be native plant species, and**
- **all of the areas depicted on the survey as wooded are to remain natural and not be disturbed, and**
- **a covenant shall be recorded with the Suffolk County Clerk stating that the parcel is subject to the conditions contained in this resolution which makes this resolution a part of such covenant, and be it further,**

**Resolved, the granting of this exemption will not be materially detrimental or injurious to other property or improvements in the areas, increase the danger of fire, endanger public safety or result in a substantial impairment of the resources of the Core Preservation Area, is not inconsistent with the purposes, objectives or general spirit and intent of Article 57."**

**The motion was approved by a 4-0 vote.**

#### **Other Project and Land Use Items**

##### **Compatible Growth Area (CGA) and Core Preservation Area**



Suffolk County Gabreski Airport / Westhampton (900-312-1-4.2): overview of current operations (SC Office of Economic Development and Workforce Housing)

Summary: Present for today's presentation from the Office of Economic Development were Mr. James Morgo, Commissioner, Ms. Carolyn Fahey, Intergovernmental Relations Coordinator, Mr. Tony Ceglie, Airport Manager, and Mr. Neil Toomb.

Mr. Corwin reviewed the prior Commission discussions regarding this facility, including the deliberations in late 2003 regarding clearing at the northeast corner; the jurisdiction of the Commission over that activity; the adoption in August 2004 of a map interpreting the statutory boundary description in this area; and the offer by the County's Economic Development Department to give a set of presentations regarding the airport operations, the upcoming airport master plan update, and the proposed industrial development plans for the non aviation portion of the property.

Mr. Morgo then spoke briefly about the airport's operations and future directions, and introduced his staff members. Mr. Ceglie distributed the attached handout, and spoke about numerous topics. These included the military history of the airport; its transfer under certain conditions to Suffolk County; major aviation features present and their dimensions; federal rules and regulations that apply, both due to its aviation activity as well as the conditions attached to receipt of federal funds; its status as an alternate site for landings of the space shuttle; presence and activities of the NY Air National Guard 106<sup>th</sup> Rescue Wing; fixed base operators present there; terminology and rules that apply to the runways and adjacent areas under federal laws and regulations (including the Runway Protection Zones and the Runway Safety Areas); the non aviation, commercial uses that are housed in some of the buildings; the Airport Layout Plan required by the Airport Master Plan; three major sources of funding: Suffolk County, NYS Department of Transportation; and the Federal Aviation Administration; projects planned for the short term (i.e., approximately one year) prior to the completion of the master plan update; the hangars and control tower, and the clearing needed to maintain visibility from the tower; and the presence of the SC Department of Public Works and the Westhampton Beach Village Public Works in the southern area of the site (the latter not being part of the County airport property).

A set of questions and answers followed, touching upon the master plans being produced for the overall airport and the industrial, non aviation center; the previously proposed asphalt plant on the southern portion of the site; and the Airport Joint Use Agreement mentioned by Mr. Ceglie. Mr. Scully and the Commission members then thanked Mr. Morgo and his staff for an informative presentation.

## **Project Decisions**

### **Core Preservation Area**

Sarnoff State Preserve Fuel Reduction Demonstration Project (National Fire Plan grant) / Eastport (900-165-1-1; 900-182-1-1.1): determination of jurisdiction (from 2/16/05)

Summary: Present for today's discussions of this item were NYS Forest Ranger Bryan Gallagher, and two staff members of The Nature Conservancy's Long Island Chapter: Mr. William Patterson and Mr. Brian Kurtz. Mr. Corwin noted that this project was previously described to the Commission by these same staff from The Nature Conservancy's Long Island Chapter at the 2/16/05 meeting, but that no determination of jurisdiction was made by the Commission at that time. Today, Mr. Patterson distributed and very briefly

described the attached materials, including two items regarding “Managing Fuels in Northeastern Barrens”, a research effort being undertaken by faculty from the University of Massachusetts at Amherst, and a technical paper entitled “Conceptual ecological models for the Long Island pitch pine barrens”.

Mr. Corwin stated that there are two determinations that the Commission must make under Article 57: whether the action constitutes “development” pursuant to ECL 57-0107(13) (which determines whether the action requires a hardship permit), and whether the proposed action complies with ECL 57-0123(3)(a) (which states that “no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan”).

With respect to the first, Mr. Corwin recommended that this specific proposed project be determined to not constitute “development” under both 57-0107(13)(c) (which excludes environmental restoration activities) and 57-0107(13)(l) (which excludes from “development” those actions which are “public improvements undertaken for the health, safety or welfare of the public”).

With respect to the second, he recommended that this specific proposed project, which is a disturbance of land that requires State DEC consent, be determined by the Commission to be in conformance with the Plan, and specifically the fire management plan. He also noted that this specific project is consistent with the still draft version of the proposed Two Year Prescribed Burn Plan which is being worked upon at present.

Mr. Shea asked about the details of the patches of forest that would be cleared, cut, trimmed or burned, and Mr. Patterson explained that the specific patch locations would be determined during the course of the work. Mr. Shea stated that he wants to see the details of the project as it is further specified and Mr. Patterson agreed to that. Mr. Corwin asked how the fuel load reduction effects of this project would be measured quantitatively, and Ranger Gallagher explained that a walk through has been done to determine the fuel type of the area currently, and that would be repeated afterward. It was agreed that this would be a qualitative evaluation at present.

**A motion was then made by Mr. Turner and seconded by Mr. Shea to (1) determine that this specific proposed project does not constitute “development” under both ECL 57-0107(13)(c) and ECL 57-0107(13)(l) and thus does not require a Core hardship permit from the Commission, (2) to determine that this specific proposed project, which is a disturbance of land that requires State DEC consent, conforms with the Plan, and specifically the fire management plan, and therefore is consistent with ECL 57-0123(3)(a), and to further note that this specific project at this location conforms with the still draft version of the proposed Two Year Prescribed Burn Plan, and (3) that the Commission be apprised of the detailed plans and progress as they are determined and implemented. The motion was approved by a 3-0-1 vote, with the abstaining vote cast by Mr. Scully.**

Gazza / Flanders (900-167-2-28, 29, 30) / single family homes: determination of jurisdiction  
Summary: Mr. Milazzo explained that a request has been received from Mr. Joseph Gazza inquiring whether the construction of one single family home on each of these lots in the Flanders Core area of Southampton Town would be considered as not constituting “development” under the pine barrens law provided that Southampton Town development

rights (not Pine Barrens Credits) are transferred to them. Attached is Mr. Gazza's written request, along with two correspondence items from the Southampton Town Land Management staff describing the quantity of rights that would need to be transferred. The parcels in question are part of a 1988 "Development Section Map", partly within the Core and partly within the CGA, known as Riverhead Estates and approved as a Development Section Map by the Town in 1988. A brief discussion ensued regarding the access to these parcels, which is from NYS Route 24 on the north.

**A motion was then made by Mr. Shea and seconded by Mr. Turner to determine that development of a single family home on each of these parcels would not constitute "development" under ECL 57-0107(13)(ix) provided that the conditions specified on the Town's letters (attached) are satisfied, with the change that the attached items' references to "Pine Barrens Credits" be replaced with "Town development rights" and with the requirement that no Pine Barrens Credits may be redeemed in connection with this project within the Core Preservation Area. The motion was approved by a 4-0 vote.**

#### **Pine Barrens Credit Program**

Gazza / Northampton (900-215.03-1-34, 900-215.03-1-61, 900-243-1-5, 900-243-2-3, 900-244-2-10) / proposed easements: approval of customized language

Summary: Mr. Born discussed the attached handout describing the change to the standard PBC Program conservation easement which Mr. Gazza has requested for these parcels. This is a change which he has routinely requested from the Commission in the past for other parcels which he has enrolled in the PBC Program, and which the Commission has previously approved. **A motion was then made by Mr. Shea and seconded by Ms. Prusinowski to approve these changes for these specific parcels' proposed conservation easements. The motion was approved by a 4-0 vote.**

#### **Public hearings**

##### **Compatible Growth Area (CGA)**

Longwood Library Parking Expansion and Drainage Improvements / Middle Island (200-402-1-24.9; 200-403-1-3, 4) / hardship (decision deadline is 7/7/05)

Summary: A separate stenographic transcript exists for this item.

##### **Core Preservation Area**

Keyspan Gas Main / Manorville to Riverhead (LI Expressway; Brookhaven, Southampton) / hardship: DEIS and Article 57 hearings combined (original ECL 57 hearing begun 3/17/04 and continued 10/20/04; ECL 57 decision runs with SEQRA; pos dec issued 11/17/04; DEIS accepted as complete 3/9/05; DEIS comment period ends 5/2/05)

Summary: A separate stenographic transcript exists for this item.

#### **Plan, Stewardship & Related Issues**

Status report regarding planning efforts for stewardship activities approved at 3/9/05 Work Session (Manorville Hills / CR 111, Manorville Dwarf Pine Plains / CR31, Westhampton)

Summary: Mr. Corwin reported that these two stewardship project areas identified by the Commission at its 3/9/05 meeting have been discussed by the Protected Lands Council's Technical Subcommittee at its 4/14/05 meeting. The Technical Subcommittee identified possible projects at each site, and also added a third site, namely the Warbler Woods County Park on the east side of CR 21 in the Middle Island - Yaphank area. Mr. Corwin distributed the attached one page summary of the three stewardship projects to date. The next steps for each project include a customized site visit to "size up" conditions, and a second PLC Technical Subcommittee meeting to wrap up final plans for simple, tangible efforts at each site.

#### Monthly report on Comprehensive Land Use Plan update process

Summary: Mr. McNally distributed and discussed the attached summary of the work that he has been undertaking to update Plan Volume 2: Existing Conditions. A brief discussion of the results to date shown there ensued, along with questions of what additional data are needed and the schedule for the Plan Volume 1 and 2 updates.

#### Proposed Amendments to NY ECL Article 57 - status update (A6460A; S4148)

Summary: Mr. Corwin reported that the changes approved by the Commission to this legislation at the 3/16/05 meeting have been incorporated, and that the revised bill, A6460A and S4148, has been referred to the Environmental Conservation Committee in each half of the Legislature. He also explained that the bill's sponsors would appreciate any letters of support for these amendments, as well as a resolution of support for the revised bill from the Commission. **A motion was then made by Mr. Turner and seconded by Ms. Lewis to support the passage and signing of A6460A / S4148. The motion was approved by a 4-0 vote.**

#### Pine Barrens Credit Program items (not on the original agenda)

Summary: Mr. Proios noted that the State's loan to the Commission for funding the Clearinghouse's work will expire this November, and he urged that the funds be utilized in the interim. Mr. Born noted that the Clearinghouse has authorized a new Credit purchase offer in each of the three Towns. Mr. Milazzo noted that the Clearinghouse passed a resolution at its meeting this morning recommending to the Commission that the revised Plan contain a recommendation that the Suffolk County Health Department seek the approval of both Towns that may be involved in an inter town transfer of Pine Barrens Credits in the future.

#### Adjournment

Summary: **A motion was made by Mr. Shea and seconded by Mr. Turner to adjourn. The motion was approved by a 4-0 vote.**

#### Attachments (in order of discussion):

1. Attendance sheet (4/20/05; 2 pages)
2. Project location map for today's meeting (4/20/05; 1 page)
3. Report to Commission from Advisory Committee with attachments (4/14/05; 9 pages)
4. Rosko Farms decision extension request (4/5/05; 1 page)
5. Gabreski Airport Materials from SC Economic Development (4/20/05; 13 pages)
6. Managing Fuels in Northeastern Barrens (poster) (dated "FY 2003-2005"; 1 page)
7. Managing Fuels in Northeastern Barrens (field tour itinerary) (6/14-18/04; 40 pages)
8. Conceptual ecological models of LI pitch pine barrens (2003; 18 pages)

9. Letter from Mr. Gazza re Riverhead Estates / Flanders parcels (2/2/05; 1 page)
10. Letter from Mr. Collins of Southampton Town re Gazza Flanders parcels (11/5/04; 1 page)
11. Letter from Ms. Ansar of Southampton Town re Gazza Flanders parcels (01/28/05; 2 pages)
12. Memo re the requested change to the conservation easements (4/20/05; 2 pages)
13. Short Term Stewardship Committees Update (4/19/05; 1 page)
14. Plan update report (4/20/05; 5 pages)
15. Copy of A6460A / S4148 bill (4/19/05; 7 pages)





**Commission Meeting Summary (FINAL)  
for Wednesday, May 18, 2005 (Approved 5/31/05)  
at Riverhead Town Hall,  
200 Howell Avenue (corner of East Main Street), Riverhead,  
2:00 pm**

Commission members present: Mr. Scully (for New York State), Ms. Longo (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. McNally, and Mr. Born (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), Capt. Otterstedt (from the NYS Environmental Conservation Police), Mr. Kent (from the Riverhead Town Supervisor's Office), Mr. Kiely (from the Brookhaven Town Law Department), and Dr. Green (from the Brookhaven National Laboratory). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully  
*Chair*

The meeting was called to order at approximately 2:05 pm by Mr. Scully, with a four member quorum consisting of Mr. Scully, Ms. Longo, Mr. Turner, and Mr. Shea.

Philip J. Cardinale  
*Member*

Mr. Scully welcomed Ms. Janet Longo of the Suffolk County Planning Department's Real Estate Division as the County Executive's Designated Representative for today's meeting (see attached letter). He also welcomed Mr. Christopher Kent, who will be officially representing Riverhead Supervisor Cardinale at future Commission meetings.

Patrick A. Heaney  
*Member*

John Jay LaValle  
*Member*

#### **Public Comment and Administrative**

Steve A. Levy  
*Member*

##### Public comments

Summary: The first speaker was Mr. Frank Murphy, representing Keyspan. He read the attached statement regarding the pending Keyspan gas main. As part of his statement, he requested that the Commission schedule a special meeting to address the recently submitted Final Environmental Impact Statement (FEIS) for the Keyspan Gas Main application, and specifically to issue a Notice of Completeness.

The second speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He first asked the Commission to examine Section 9.2 of the Plan to identify what land use activities at the Calverton Enterprise Park are exempt from, and what activities are subject to, review by the Commission. He noted that the Society's view is that not everything at the Calverton site is exempt, and that the Advisory Committee would like to Commission to evaluate this topic.

Second, he stated that he believes that the Island Water Ski Project at the Calverton site is not consistent with Section 9.2 of the Plan; that the site now has a very large excavation; and that a visit by enforcement

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personnel is needed. A brief discussion followed regarding the lack of any verification of a violation on the site to date; the desire of the Commission to discuss the general interpretation of Section 9.2 as part of the Commission's 6/15/05 agenda; and the fact that Riverhead Town has issued a stop work order for the site.

Third, Mr. Amper offered the assistance of the Society with the review of the Keyspan Gas Main application.

Minutes for 4/20/05: review, approval (faxed)

Summary: The following changes were made to the draft 4/20/05 meeting minutes: (1) Under "Commission members present", Mr. Shea should be listed in place of Mr. Murphree; (2) under "Sarnoff State Preserve Fuel Reduction Demonstration Project", the fourth paragraph's first sentence should read, in part: "... be determined by the Commission to be in conformance with the Plan, ..."; (3) under the same project, the resolution's second condition should read, in part, "... to determine that this specific proposed project, which is a disturbance of land that requires State DEC consent, conforms with the Plan, "; (3) under "Gazza / Flanders", the resolution in the second paragraph should be amended to include an additional phrase, and should now read, in part: "... with the change that the attached items' references to "Pine Barrens Credits" be replaced with "Town development rights" and with the requirement that no Pine Barrens Credits may be redeemed in connection with this project within the Core Preservation Area." .

**A motion was then made by Mr. Shea and seconded by Mr. Turner to approve the minutes with these changes. The motion was approved by a 4-0 vote.**

DEC - Commission administrative funds agreement

Summary: Mr. Corwin explained that the attached draft agreement between the NYS DEC and the Commission, which was drafted by the DEC's Albany Office, establishes a five year time frame under which the DEC would be able to more expeditiously transfer each budget year's allocation of funds to the Commission. He explained that the first two years of that five year agreement would be for the two State fiscal years for which the Commission is seeking to obtain reimbursement immediately (FY 2003-04 and 2004-05), the third year would be the current, 2005-06 year, and the remaining two years would be for the 2006-07 and 2007-08 fiscal years. **A motion was then made by Mr. Shea and seconded by Ms. Longo to approve the agreement pending its review and determination of acceptability by staff counsel, and to authorize the Commission Chair to sign it on behalf of the Commission. The motion was approved by a 4-0 vote.**

FERN Funding Agreement

Summary: Dr. Tim Green, a member of the Foundation for Ecological Research in the Northeast (FERN) board, discussed the attached description of the purposes to which FERN intends to put the \$100,000 allocated to it in the Commission's 2004-05 State fiscal year budget. He explained that this money will be used to complement other, independent funding which FERN has received, and that a report on the overall accomplishment and use of all of the funds would be provided to the Commission later in 2005. **A motion was then made by Mr. Turner and seconded by Mr. Shea to authorize staff counsel to draft an agreement to transfer these funds for the purposes stated, and to authorize the Commission Chair to sign it on behalf of the Commission. The motion was approved by a 4-0 vote.**



## Project Decisions

### Compatible Growth Area (CGA)

Longwood Library Parking Expansion and Drainage Improvements / Middle Island (200-402-1-24.9; 200-403-1-3, 4) / hardship: possible decision (hearing held 4/20/05; deadline is 7/7/05)  
Summary: Ms. Jakobsen reviewed the history of this project before the Commission, and recommended a negative declaration under the State Environmental Quality Review Act (SEQRA) for this project, and an approval with the conditions specified in the attached resolution. A brief discussion was held regarding the revegetation condition, and it was agreed that the requirement for use of native plants is present, and that a requirement for an 85% survival rate for the native vegetation over a two year period be included. **A motion was then made by Mr. Turner and seconded by Mr. Shea to (1) issue a negative declaration under SEQRA for this application, and (2) to approve the application with the conditions and changes discussed today. The motion was approved by a 4-0 vote.**

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of Regional Significance: decision extension request (hearing held 10/17/01; decision originally due today)  
Summary: Ms. Jakobsen reported that the attached decision extension request to the July Commission meeting was received from the project's representative. **A motion was made by Mr. Turner and seconded by Mr. Shea to accept and approve the decision extension request until the 7/20/05 Commission meeting. The motion was approved by a 4-0 vote.**

W&K Farms a/k/a Metz Farms c/o Kennedy / Manorville (200-558-4-6) / new hardship application: schedule hearing  
Summary: Ms. Jakobsen described this new application for clearing on a CGA parcel above the applicable standards for the purpose of agriculture, and the location and ownership of the parcel. She handed out copies of the application and recommended scheduling a hearing. **A motion was then made by Mr. Shea and seconded by Mr. Turner to schedule a public hearing on this project at the 6/15/05 Commission meeting at 3:00 pm. The motion was approved by a 4-0 vote.**

### Core Preservation Area

Keyspan Gas Main / Manorville to Riverhead (LI Expressway; Brookhaven, Southampton) / hardship: FEIS status (original ECL 57 hearing held 3/17/04, 10/20/04; combined DEIS and new Article 57 hearing held 4/20/05; pos dec issued 11/17/04; DEIS accepted 3/9/05; DEIS comment period over 5/2/05; ECL 57 decision runs with SEQRA)  
Summary: Ms. Jakobsen reported that the Final Environmental Impact Statement (FEIS) for this project was received, that both printed copies and CD-ROM versions are being distributed, and that comments have been received on the Draft EIS from the Commission staff, the Brookhaven Town Traffic Safety Division, the NYS DEC, and the LI Pine Barrens Society. She recommended that a special Commission meeting be held prior to 6/4/05. **A motion was then made by Mr. Turner and seconded by Ms. Longo to schedule an additional Commission meeting on 5/31/05 at 9:00 am at the Brookhaven Town Hall. The motion was approved by a 4-0 vote.**

## Other Project and Land Use Items

### **Statewide including Central Pine Barrens**

State Office for Technology Statewide Wireless Network / GEIS: Commission findings  
Summary: Mr. Milazzo summarized this statewide initiative by the NYS Office for Technology (OFT) to construct a set of communications structures. OFT is the lead agency under SEQRA and the Commission is one of several involved agencies. OFT proposes to hire a contractor to identify and develop specific sites. OFT prepared a Generic Environmental Impact Statement (EIS) on this project. The Commission submitted comments stating that those proposed actions falling within the Central Pine Barrens constitute development, and that the conformity provision regarding State agencies applies to this project. OFT has now issued a Final EIS. Mr. Milazzo recommended that the Commission adopt the attached Findings Statement for this project under SEQRA, as well as the attached resolution. A brief discussion ensued regarding the proposal, the response to comments by OFT, and the Commission's jurisdiction under ECL Article 57. **A motion was then made by Mr. Shea and seconded by Mr. Turner to adopt both the attached Findings Statement and Commission resolution for this project. The motion was approved by a 4-0 vote.**

Ms. Prusinowski arrived during the following item.

## Plan, Stewardship & Related Issues

LEC: Budget for EBP donation (from 4/20/05 LEC meeting)

Summary: Mr. Corwin reviewed the origin of the recent donation of these funds to the Commission for the work of the Pine Barrens Law Enforcement Council, and the Commission's acceptance of the donation and its instructions to the Council to prepare a budget for the funds for adoption by the Commission. Capt. Otterstedt explained the origin and need for the items on the attached list, and answered several questions. It was noted that the equipment purchases would be made by the Suffolk County Water Authority, and that the equipment would be owned by the Commission. **A motion was then made by Mr. Turner and seconded by Ms. Longo to adopt and approve the attached budget for the recent \$175,000 Environmental Benefit Payment donation to the Commission for the work of the Council. The motion was approved by a 4-0 vote.**

ECL Article 57 amendments (A6460A, S4148): status

Summary: Mr. Corwin stated that he has just spoke with Ms. Gordon of Assemblyman DiNapoli's Albany Office, and that this bill is scheduled for review by the Environmental Conservation Committee in early June.

## Public hearing

### **Compatible Growth Area (CGA)**

Rosko Farms Subdivision / East Quogue (900-251-1-92) / Critical Resource Area (original hearing 12/15/04, 1/19/05)

Summary: A separate stenographic transcript exists for this item. Following the close of

*the hearing, a motion was made by Mr. Scully and seconded by Mr. Shea to accept and approve the requested (attached) extension of the Commission's decision deadline for this project to the 6/15/05 meeting. The motion was approved by a 4-0 vote.*

## **Plan, Stewardship & Related Issues**

PLC: Stewardship projects and budget: review, budget approval (from 5/10/05 Technical Subcommittee meeting)

*Summary: Mr. Corwin summarized the recent work and actions of the Commission, the Protected Lands Council (PLC), and the PLC's Technical Subcommittee. Dr. Tim Green of Brookhaven National Laboratory, Chair of the Protected Lands Council's Technical Subcommittee, described the attached budget prepared by the Technical Subcommittee for the various stewardship projects being undertaken by the PLC, including those initiated by the Commission.*

*He described the results of the CR 31 field trip, with the assistance of Mr. Shea who was present for that session. Issues raised there included signage, the desire for an interpretive trail, lack of dumping or access control issues compared to other sites, and the specific locations along CR 31 that were examined. These include the area near the SCWA building, the preserved lands adjacent to it, and the Westhampton railroad station where a native planting project is feasible.*

*CR 111 topics discussed included agency ownerships in the area of Hot Water Street and CR 111; use of the area for recreational access; parking needs; environmental education opportunities; and access control issues, including gating.*

*Questions raised included the best means for getting the field projects underway, and who would serve as a project manager for each site. The fire monitoring protocols request for proposals, and the invasive plants inventory were also summarized and discussed.*

*Following a discussion about interagency coordination on these projects, and the SEQRA aspects of adopting the proposed budget, it was agreed that this warrants further discussion and should be placed on the Commission's 5/31/05 agenda.*

Land Use Plan update: monthly report

*Summary: Mr. Born and Mr. McNally distributed and discussed the attached materials describing both an overview of the Plan amendment process to date, and the draft tables of contents for the revised Volumes 1 and 2. Mr. Born noted many of the specific actions that have been accomplished to date, including the involvement of the Commission's numerous committees and councils.*

## **Adjournment**

*Summary: A motion was made by Mr. Shea and seconded by Mr. Turner to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 4:18 pm.*

## **Attachments (in order of discussion):**

1. Attendance sheet (date; 2 pages)
2. Project location map for today's meeting (date; 1 page)
3. Designation letter for Ms. Longo for today's meeting (5/17/05; 1 page)
4. Statement by Mr. Murphy of Keyspan (5/18/05; 2 pages)
5. Draft DEC - Commission administrative funds agreement (undated; 5 pages)
6. Request for release of funds from FERN (4/20/05; 2 pages)
7. Longwood Library approval resolution (5/18/05; 3 pages)
8. Brookhaven Town Center decision extension request (5/9/05; 1 page)
9. Statewide Wireless Network Pine Barrens Commission Findings Statement (5/18/05; 3 pages)
10. Statewide Wireless Network Pine Barrens Commission Resolution (5/18/05; 2 pages)
11. LEC Budget for use of the Environmental Benefit Payment (5/16/05; 1 page)
12. Decision deadline extension request for Rosko Farms (5/18/05; 1 page)
13. PLC Technical Subcommittee recommendations for stewardship funds (5/10/05; 7 pages)
14. Plan update materials (undated; 13 pages)



**Commission Meeting Summary (FINAL)  
for Tuesday, May 31, 2005 (Approved 6/15/05)  
at Brookhaven Town Hall, 1 Independence Hill, Farmingville  
9:30 am**

Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Mr. Turner (for Brookhaven), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin and Ms. Eichelberger (from the Commission), Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)), and Dr. Timothy Green (from the Brookhaven National Laboratory and Chair of the Protected Lands Council's Technical Subcommittee). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 9:33 am by Mr. Scully, with a four member quorum.

Peter A. Scully  
*Chair*

**Public Comment and Administrative**

Philip J. Cardinale  
*Member*

Public comments

Summary: There were no speakers.

Patrick A. Heaney  
*Member*

Minutes for 5/18/05: review, approval

Summary: **A motion was made by Mr. Shea and seconded by Mr. Turner to approve the 5/18/05 meeting summary as final. The motion was approved by a 4-0 vote.**

John Jay LaValle  
*Member*

Steve A. Levy  
*Member*

**Project Decisions**

**Core Preservation Area**

Keyspan Gas Main / Manorville to Riverhead (LI Expressway; Brookhaven, Southampton) / hardship: Final Environmental Impact Statement (FEIS) decision (original ECL 57 hearing held 3/17/04, 10/20/04; combined DEIS and new Article 57 hearing held 4/20/05; pos dec issued 11/17/04; DEIS accepted 3/9/05; DEIS comment period ended 5/2/05; ECL 57 decision runs with SEQRA)  
Summary: Mr. Corwin distributed the attached items, including the Commission staff comments on the Keyspan Gas Main DEIS; the revised version of Section 11 of the EIS with changes tracked; the revised version of Section 11 without the change tracking annotation; and the draft resolution accepting the FEIS as complete. He noted that these items have also been previously distributed to the Commission. Mr. Milazzo then noted that the Commission will have ten days following the acceptance of the FEIS to make its decision and to produce a SEQRA Findings Statement.

**A motion was then made by Mr. Deering and seconded by Mr.**

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**Turner to adopt the following resolution:**

***“Whereas, the Keyspan Corporation, on December 19, 2003 applied to the Central Pine Barrens Joint Planning and Policy Commission seeking an approval pursuant to Article 57 of the Environmental Conservation Law to undertake a development project involving the construction of a natural gas transmission main in the Central Pine Barrens, and***

***Whereas, the Commission, on November 17, 2004 issued a positive declaration on the proposed Keyspan Gas Transmission Main Reinforcement Project Phases IV and V (the “Project”), and required a Draft Environmental Impact Statement (“DEIS”) on the Project, and issued on December 15, 2004 a final draft scope on the Project, identifying those items to be addressed in a DEIS, and***

***Whereas, Keyspan, on January 5, 2005, provided the Commission with a proposed DEIS on the project identifying Route E, Mill Road, as Keyspan’s preferred route for this project, and the Commission reviewed the DEIS to determine whether it is adequate for public review pursuant to 6 NYCRR Part 617.9(a)(2), and***

***Whereas, the Commission, on March 4, 2005, identified minor deficiencies in the proposed DEIS to be addressed prior to the Commission’s March 9, 2005 work session, and***

***Whereas, Keyspan addressed the deficiencies to the Commission’s satisfaction, and***

***Whereas, the Commission at its work session on March 9, 2005, accepted the DEIS for Keyspan’s Gas Transmission Main Reinforcement Project Phases IV and V, dated January 2005, as adequate for public review pursuant to 6 NYCRR Part 617.9, and***

***Whereas, the Commission considered the degree of public interest in the project, the potential for substantive or significant adverse environmental impacts identified in the DEIS, the adequacy of the mitigation measures and alternatives proposed, and determined that a public hearing would aid in the decision-making process by providing a forum and an efficient mechanism for the collection of public comment on the DEIS, and***

***Whereas, a public hearing was held on the DEIS and the revised Core Preservation Area hardship permit based on compelling public need that identified Route E as Keyspan’s preferred route for Phase IV, on April 20, 2005 at 3:00pm at Riverhead Town Hall, 200 Howell Avenue, Riverhead, with the comment period to close on May 2, 2005, and***

***Whereas, at the close of the comment period, Keyspan prepared a Draft Final Environmental Impact Statement (DFEIS) and delivered an electronic version of the same to Commission on May 13, 2005 and a paper version and compact discs containing the DFEIS on May 16, 2005, and***

***Whereas, the Commission at its meeting on May 18, 2005 scheduled a special meeting for May 31, 2005 at 9:30 am at the Brookhaven Town Offices, in Farmingville, to decide whether to accept the FEIS as prepared by KeySpan Corporation and to also allow staff sufficient time to review the FEIS, and***

**Whereas, the Commission prior to the May 31, 2005 meeting, identified minor discrepancies in the FEIS which were sent to Keyspan on May 24, 2005, to address prior to the special meeting, and**

**Whereas, Keyspan addressed the deficiencies to the Commission's satisfaction,**

**Now, therefore, be it**

**Resolved, that the Commission accepts as accurate and adequate the FEIS dated May 2005 for Keyspan's Gas Transmission Main Reinforcement Project Phases IV and V, pursuant to 6 NYCRR Part 617.9, and be it further,**

**Resolved, that notice of acceptance of the FEIS shall be provided as per 6 NYCRR 617 requirements."**

**The motion was approved by a 4-0 vote.**

### **Plan, Stewardship & Related Issues**

Protected Lands Council: Stewardship projects and budget: review, budget approval (from 5/18)  
Summary: Mr. Corwin reviewed the Commission's prior discussions regarding the Protected Lands Council's proposed budget for the \$150,000 in stewardship project funding from the 2004-05 State fiscal year allocation to the Commission, especially the discussions at the 5/18/05 Commission meeting. Dr. Green also reviewed briefly the proposed spending plan, and noted the differences in urgency of the various tasks.

A brief discussion ensued regarding the classification of the stewardship budget adoption, and it was agreed that the actions to be funded are all Type 2 actions under the State Environmental Quality Review Act regulations. It was also agreed that a staff person or other person needs to be responsible for coordinating the completion of these tasks, and Mr. Corwin stated that he would serve in that role, and that some of the individual projects listed in the budget already have a Commission staff person assigned to them. He also stated that he has already spoken with Mr. Deering regarding the need for a coordination meeting with County staff members from various departments in order to advance the CR 111 and Hot Water Street "on the ground" project.

**A motion was then made by Mr. Turner and seconded by Mr. Shea to approve the proposed budget for these funds as detailed in Dr. Green's memo (attached) dated 5/10/05, and the associated supporting materials (also attached). The motion was approved by a 4-0 vote.**

### **Adjournment**

Summary: **A motion was made by Mr. Shea and seconded by Mr. Turner to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 9:49 am.**

### **Attachments (in order of discussion):**

1. Attendance sheet (5/31/05; 1 page)

2. Project location map for today's meeting (5/31/05; 1 page)
3. Commission staff comments on Keyspan DEIS (undated; 2 pages)
4. Revised version of EIS Section 11 with changes tracked (undated; 58 pages)
5. Revised version of EIS Section 11 (undated; 57 pages)
6. Commission resolution on Keyspan application (5/31/05; 1 page)
7. PLC Technical Subcommittee recommendations for stewardship funds (5/10/05; 7 pages)





**Commission Meeting Summary (FINAL)  
for Wednesday, June 15, 2005 (Approved 7/20/05)  
at Suffolk County Park Police Headquarters,  
Southaven County Park, Victory Avenue, Yaphank,  
2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Born, Ms. Eichelberger and Mr. McNally (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Ms. Longo (from the Suffolk County Planning Department's Real Estate Division), and Mr. Kiely (from the Brookhaven Town Attorney's Office). Additional attendees are shown on the attached sign-in sheet.

Peter A. Scully  
*Chair*

The meeting was called to order at approximately 2:04 pm by Mr. Scully, with a four member quorum initially consisting of Mr. Scully, Mr. Deering, Mr. Turner, and Mr. Shea.

Philip J. Cardinale  
*Member*

**Public Comment and Administrative**

Patrick A. Heaney  
*Member*

**Public comments**

Summary: The first speaker was Brookhaven Town Councilman James Tullo. He read and submitted the attached statement regarding the proposed Roanoke Sand and Gravel asphalt facility, and urged the Commission to assert jurisdiction over it.

John Jay LaValle  
*Member*

Steve A. Levy  
*Member*

The second speaker was Mr. Stephen Jones, Chief Executive Officer of the Suffolk County Water Authority (SCWA) and the Chair of the Pine Barrens Advisory Committee. Mr. Jones stated that the Advisory Committee is looking at the relationships among land use controls such as zoning, and SC Health Department and NYS DEC requirements; that the Pine Barrens Commission's structure and role can bridge these separate regulatory areas; that zoning alone is not sufficient; and that the SCWA's Bailey Road wellfield in Middle Island is located to the east of the site of the proposed asphalt plant, and that the SCWA believes that there may be an impact upon that wellfield and hopes that the Commission will take up this matter..

**Project Decisions**

P.O. Box 587  
3525 Sunrise Highway  
2<sup>nd</sup> Floor  
Great River, NY 11739-0587

**Compatible Growth Area (CGA)**

Roanoke Sand & Gravel Proposed Asphalt Plant / Middle Island (200-345-1-4.3) /  
Assertion of Jurisdiction (not on the original agenda)

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us

Summary: **A motion was made by Mr. Turner and seconded by Mr. Deering to assert Commission jurisdiction over this project pursuant to ECL 57-0123(2)(a). The motion was approved by a 4-0 vote.**

## Public Comment and Administrative

### Public comments

*The third speaker was Dr. Lee Koppelman, Executive Director of the Long Island Regional Planning Board (LIRPB) and a member of the Pine Barrens Advisory Committee. First, Dr. Koppelman spoke about the Calverton facility and the 1993 Airport Joint Use Feasibility Study for this site which the LIRPB produced (a copy of which he submitted to the Commission; cover sheets are attached here). He recalled the controversy of approximately ten years ago when the Pine Barrens Plan was being produced, and the insistence of the Riverhead Town Board on an exemption in the Plan for the Calverton site before the Town would ratify the Plan. He recalled that the Town would be granted an extension, but not a carte blanche for the site. He stated that the purpose of the site was for job and economic development, and that businesses there would be light industrial, non polluting, dry land use activities. He then noted that he believes that much of the current proposals for the site, which include housing, would be incompatible and not in furtherance of its purpose; that the land is very valuable, and that he hopes that the Commission seriously considers the current proposals. He encouraged the creation of an industrial park, noting that this site is the “future social security for the entire Town of Riverhead”.*

*Second, he noted that the proposed asphalt plant is in the Central Suffolk Special Groundwater Protection Area (SGPA), and that the SGPA Plan recommendation is that the basic zoning be five acre residential without industrial or commercial uses within this area. He stated that “the concept of having an asphalt plant in such a sensitive area just boggles my mind.” He encouraged the Commission to review the project, noting that the Commission has just voted to do that, and suggested to Councilman Tullo and Brookhaven Town to reexamine the existing L2 Industrial zoning at this site, which he felt was the worst zoning for the area.*

Mr. Kent arrived during the following speaker’s remarks, and a five member quorum was present for the remainder of the meeting.

*The fourth speaker was Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society and the Vice Chair of the Pine Barrens Advisory Committee. He thanked the Commission for asserting jurisdiction over the asphalt plant project, and stated that he hoped that this issue could be resolved soon.*

*The fifth speaker was Ms. Connie Kepert, representing the Longwood Alliance. She noted that the Longwood Alliance had previously submitted a letter urging the Commission to take the action which it did today, and stated that she is relieved at this step. She criticized the current L2 Industrial zoning of the Roanoke Sand and Gravel site; stated that it should be upzoned; thanked the Commission for asserting jurisdiction; and offered the opinion that this is the worst situation that she has seen in her years as a civic leader.*

*The sixth speaker was Mr. Robert Donato, a resident of the Birchwood residential community representing himself. He stated that he hopes that the Commission will rule in favor of the residents with regards to its decision on the asphalt plant project.*

*The seventh speaker was Mr. Melvin McKenzie, representing himself. He asked whether there was any federal aspect to the proposed asphalt plant project. Mr. Scully stated that*

he was unaware of any such federal aspect, but that the staff would look into that.

A short break was held at this point. Ms. Prusinowski arrived during this time.

Minutes for 5/31/05: review, approval

Summary: **A motion was made by Mr. Shea and seconded by Mr. Kent to approve the 5/31/05 meeting minutes as final. The motion was approved by a 5-0 vote.**

## Project Decisions

### **Compatible Growth Area (CGA)**

Rosko Farms Subdivision / East Quogue (900-251-1-92) / CRA application: decision extension request to 7/20/05 (hearing held 12/15/04, 1/19/05, 5/18/05; decision currently due today)

Summary: Mr. Born reported that the attached request for a decision extension to 7/20/05 has been received from this project's representative, while a revised site plan is submitted.

**A motion was then made by Mr. Shea and seconded by Mr. Turner to approve and accept the decision extension request to 7/20/05. The motion was approved by a 5-0 vote.**

### **Core Preservation Area**

KeySpan Gas Main / Manorville to Riverhead (LI Expressway; Brookhaven, Southampton) / hardship: decision (original ECL 57 hearing held 3/17/04, 10/20/04; combined DEIS and new Article 57 hearing held 4/20/05; pos dec issued 11/17/04; DEIS accepted 3/9/05; DEIS comment period over 5/2/05; ECL 57 decision runs with SEQRA; FEIS deemed complete 5/31/05)

Summary: Mr. Milazzo summarized the attached Finding Statement. **A motion was then made by Mr. Turner and seconded by Mr. Shea to adopt the following resolution:**

**"Resolution Approving KeySpan Gas Transmission Main Reinforcement Project Phases IV and V:**

**Whereas, the KeySpan Corporation, on December 19, 2003 applied to the Central Pine Barrens Joint Planning and Policy Commission seeking an approval pursuant to Article 57 of the Environmental Conservation Law to undertake a development project known as the KeySpan Energy Delivery Long Island Gas Transmission Main Reinforcement Project Phases IV and V, (the Project) involving the construction of a natural gas transmission main in the Central Pine Barrens, and**

**Whereas, KeySpan, on March 2, 2004, supplemented their December 2003 submission with an Environmental Assessment Form analyzing the impacts associated with 5 potential routes for Phase IV of the Project and one route for Phase V, and**

**Whereas, the Commission, in response to EAF circulated a lead agency coordination letter and no objections were received to the Commission acting as lead agent for the Project, and**

***Whereas, KeySpan after determining that its preferred route for Phase IV identified in the March 2004 EAF was not feasible, submitted a second EAF to the Commission on September 3, 2004, which identified three potential routes for Phase IV and the same route for Phase V, and***

***Whereas, the Commission again coordinated review and no objections were received to the Commission acting as Lead Agent on the revised Project, and***

***Whereas, the Commission, on October 20, 2004, held a public hearing on the Project and the hardship waiver, and***

***Whereas, the Commission, on November 17, 2004 issued a positive declaration on the Project and required a Draft Environmental Impact Statement (“DEIS”) on the Project, and***

***Whereas, the Commission, on December 15, 2004 issued a final draft scope on the Project, identifying those items to be addressed in a DEIS, and***

***Whereas, KeySpan, on January 5, 2005, provided the Commission a proposed DEIS on the project identifying Route E, Mill Road, as KeySpan’s preferred route for the Project, and the Commission reviewed the DEIS to determine whether it is adequate for public review pursuant to 6 NYCRR Part 617.9(a)(2), and***

***Whereas, the Commission, on March 4, 2005, identified minor deficiencies in the proposed DEIS to be addressed prior to the Commission’s March 9, 2005 work session, and prior to the March 9, 2005 meeting KeySpan addressed the deficiencies to the Commission’s satisfaction, and***

***Whereas, the Commission, on March 9, 2005, accepted the DEIS as adequate for public review pursuant to 6 NYCRR Part 617.9, and determined that a public hearing would aid in the decision-making process by providing a forum for an efficient mechanism to collect public comment on the DEIS and to allow KeySpan the opportunity to address the hardship waiver criteria of Article 57, and***

***Whereas, the Commission, on April 20, 2005, held the public hearing and held the comment period on the Project open until May 2, 2005, and***

***Whereas, KeySpan, on May 13, 2005, delivered to the Commission a Draft Final Environmental Impact Statement (DFEIS) in electronic format addressing the comments received by the Commission, and***

***Whereas, the Commission, on May 18, 2005, scheduled a meeting for May 31, 2005 to decide whether to accept the FEIS as prepared by KeySpan Corporation and on May 24, 2005, KeySpan addressed minor discrepancies identified in the FEIS by the Commission, and***

***Whereas, the Commission, on May 31, 2005 accepted the FEIS, and***

***Whereas, the Commission has afforded agencies and the public a reasonable time period of not less than 10 calendar days to consider the FEIS, now therefore be it***

**Resolved, the Commission adopts the Findings Statement prepared for the Project attached hereto and made a part hereof, and be it further**

**Resolved, the Commission grants the hardship waiver for Route E of Phase IV and Phase V of the Project as provided for in the Findings Statement, and be it further**

**Resolved, the Commission incorporates those mitigation measures identified in the Findings Statement as conditions to the hardship waiver granted herein and KeySpan must adopt, implement, and strictly comply with the same.”**

**The motion was approved by a 5-0 vote.**

Mr. Frank Murphy, an attorney with Keyspan, requested that Mr. Milazzo summarize the conditions contained within the Findings Statement, which he did.

Kent Memorial Animal Shelter Expansion / Calverton (600-138-1-6.2) / “development” determination: discussion; possible decision (no decision deadline)

Summary: Ms. Eichelberger distributed the attached aerial photograph of this project site, which contains an existing animal shelter. Mr. Kent noted that he is not related to the sponsor of this project. The project involves the construction of a 300 square foot extension to an existing 816 square foot building for office expansion. The project site is 1.6 acres and is zoned RB-40 (formerly Residential C until June 2004).

The project was submitted to the Commission by Land Use Ecological Services, consultants to the project sponsor. She explained that the Commission staff initially told the sponsor that the project did constitute “development” under the pine barrens law, but the sponsor requested a determination of that directly from the Commission. Ms. Eichelberger identified prior determinations of this nature. **A motion was made by Mr. Kent and seconded by Mr. Turner to (1) determine that this project requires a Core area hardship permit, and (2) to schedule a hearing on this application for the 7/20/05 Commission meeting at 3:00 pm. A brief discussion with the project representatives and sponsor followed regarding the size of the project compared to other matters that the Commission has handled. The motion was then approved by a 5-0 vote.**

## **Plan, Stewardship & Related Issues**

PLC: Stewardship project - CR111 and Hot Water Street details (from 5/31)

Summary: Mr. Corwin reported that the Protected Lands Council’s (PLC) Technical Subcommittee has broken down the CR31 stewardship project into three phases. The first involves the establishment of a parking area at the Suffolk County Water Authority’s Eastern Regional Center in Westhampton, kiosks and interpretive signs, and a short trail and a longer trail through the surrounding preserved area; phase two would consist of the establishment of a fire tower observation deck at the parking area; and phase three would possibly include a connection to the trails on the west side of CR 31. He noted that the first phase should be achievable by the end of the summer.

He then summarized the proposed planting work and interpretive signs at the Westhampton railroad station further south on CR 31, and the new press release (attached) from the Governor’s office announcing the awarding of a trail grant to Suffolk County through the federally funded Recreational Trails Program. He also noted that the

PLC's Technical Subcommittee hopes to have a draft Request For Proposals to the Commission in time for approval at the July meeting for the previously discussed fire monitoring protocols work.

**Land Use Plan** update: monthly report

*Summary:* Mr. Born and Mr. McNally summarized the meetings and communications that they have had with various agencies' staff to update both Volume 1 and 2 of the Plan. Specifically, Mr. Born reported that a July 26<sup>th</sup> working meeting is being scheduled for the staffs of the Town, County and State agencies that have land use and development project review responsibilities in order to focus upon such topics as neighborhood centers in the CGA; source water recharge areas; Firewise community design principles; conservation subdivisions; wildland urban interface; developments of regional significance; outdoor lighting; etc. They outlined expected dates of completion of both preliminary draft and draft versions; reviews by the Advisory Committee; and hearings by the Commission. They explained that the Rauch Foundation is funding part of the working meeting in July, and offering assistance with the planning for that day.

ECL Article 57 amendments (A6460A, S4148): status

*Summary:* Mr. Corwin reported that this bill has passed the Assembly and is in committee in the State Senate.

**Public hearing**

**Compatible Growth Area (CGA)**

W&K Farms a/k/a Metz Farms c/o Kennedy / Manorville (200-558-4-6) / CGA hardship application (application distributed 5/18/05; decision deadline is 8/11/05)

*Summary:* A separate stenographic transcript exists for this item. The staff report distributed during the hearing is attached here.

**Other Project and Land Use Items**

Enterprise Park at Calverton (EPCAL): general jurisdictional discussion (from 5/18)

*Summary:* Mr. Corwin reviewed and discussed the previously distributed and attached summary of EPCAL topics with which the Commission has dealt from the 1995 Plan to the present. This includes, in part, the 1995 Pine Barrens Plan Volume 1 policy on the Calverton CGA site; the 1995 SEQRA Findings Statement on the Plan's Generic Environmental Impact Statement; the Riverhead Town Code amendments which were made following the adoption of the Pine Barrens Plan; and the various projects at the site which the Commission has discussed over the years. Mr. Milazzo noted that he is recusing himself from this discussion.

The discussion then focused upon each of these major documents, including the enumerated categories of uses found in the Findings Statement; whether those categories were illustrative or restrictive; the Field Day Festival court hearing held in 2003; and how these several documents' contents should be seen and interpreted together. It was agreed that the Commission should seek legal advice on this matter and resume this discussion at the next meeting.

*Mr. William Patterson of The Nature Conservancy then distributed and discussed the attached comments on ecological land use considerations for the EPCAL property, including an aerial photograph. He noted several habitat areas on the site and the Conservancy's evaluation of their importance.*

#### **Adjournment**

Summary: **A motion was made by Mr. Shea and seconded by Mr. Kent to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:19 pm.**

#### **Attachments (in order of discussion):**

1. Attendees (6/15/05; 5 pages)
2. Project location map for today's meeting (6/15/05; 1 page)
3. Statement from Councilman James Tullo re the asphalt plant proposal (undated; 1 page)
4. Cover sheets from 1993 Airport Joint Use Feasibility Study (1993; 2 pages)
5. Rosko Farms decision extension request (6/15/05; 1 page)
6. Resolution and Findings Statement for the Keyspan Gas Main (6/15/05; 18 pages)
7. Aerial photo showing Kent Animal Shelter site (Spring 2001; 1 page)
8. Governor's press release re trail grant awards (6/14/05; 4 pages)
9. Metz Farms staff report (6/15/05; 3 pages)
10. EPCAL and the Central Pine Barrens summary (6/8/05; 34 pages)
11. EPCAL comments and aerial photo from The Nature Conservancy (6/15/05; 3 pages)



**Commission Meeting Summary (FINAL)  
for Wednesday, July 20, 2005 (Approved 8/10/05)  
at Brookhaven Town Hall,  
1 Independence Hill, Farmingville, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Carter, Mr. Born, Mr. McNally and Ms. Eichelberger (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Bagg, Ms. Longo and Mr. Freleng (from the Suffolk County Planning Department), and Mr. Kiely (from the Brookhaven Town Attorney's Office). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:15 pm by Mr. Scully, with a five member quorum.

Peter A. Scully  
*Chair*

Philip J. Cardinale  
*Member*

Patrick A. Heaney  
*Member*

John Jay LaValle  
*Member*

Steve A. Levy  
*Member*

P.O. Box 587  
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Great River, NY 11739-  
0587

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### **Public Comment and Administrative**

#### **Public comments**

Summary: The first speaker was Brookhaven Town Councilman James Tullo, representing the Town's 4<sup>th</sup> Council District. He thanked the Commission for asserting jurisdiction over the Roanoke Sand and Gravel Asphalt Plant on 6/15/05, and he urged the Commission to request the assistance of the Suffolk County Planning Department in the review of that application when it is received.

The second speaker was Mr. Robert Gaffney, an attorney representing the Island Water Park project. He stated that he believes that the Commission does not have jurisdiction over the EPCAL site, based upon his experience with the Plan development period and a letter written by the former general counsel for the Commission. Specifically, he discussed Section 9.2 of the Plan, and urged the Commission to respect the intent of the 1995 Plan and the agreements reached during its development. A brief discussion ensued regarding the time frames for the Commission's discussions on EPCAL.

The third speaker was Ms. Connie Kepert, representing the Longwood Alliance. She stated that there is anxiety in the community regarding the asphalt plant proposal; read a statement urging the Commission to deny the application; and explained that she had previously urged the NYS DEC to not issue a permit for the sand and gravel operation and had urged Brookhaven Town to rezone the property.

The fourth speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he challenged the prior statement of Mr. Gaffney regarding what the EPCAL policy meant regarding the Commission's jurisdiction, and stated that the Commission should sort



out the issues involved. Second, he specifically distinguished the Island Water Park matter from other EPCAL issues, citing the exposure of groundwater as one example.

The fifth speaker was Mr. Fred Eisenbud, attorney for the Organization to Stop the Asphalt Plant (OSAP). He mentioned the role of the Suffolk County Health Department in regulating oil storage, the Town's current moratorium, and the relationship between the Commission's review and the State Environmental Quality Review Act (SEQRA) deadlines. Mr. Milazzo commented briefly upon the Commission's past practices with respect to coordinating the deadlines under ECL Article 8 (SEQRA) and 57 (pine barrens law).

## Project Decisions

### **Compatible Growth Area (CGA)**

Roanoke Sand & Gravel Proposed Asphalt Plant / Middle Island (200-345-1-p/o 1.4, 1.5) / Assertion of Jurisdiction: status; request for project review assistance from SC Planning (assertion issued 6/15/05; decision due 10/13/05)

**Summary: At this point, a motion was made by Mr. Turner and seconded by Mr. Shea to request the assistance of the Suffolk County Department of Planning in the review of the assertion of jurisdiction application for the Roanoke Sand and Gravel Asphalt Plant once it is received by the Commission. The motion was approved by a 5-0 vote.**

## Public Comment and Administrative

Public comments (continued)

**Summary: The sixth speaker was Mr. Melvin Mackenzie, a Middle Island resident representing himself. He spoke about the existing Roanoke Sand and Gravel site, the conditions there presently, and his belief that the surface water there is subject to federal jurisdiction.**

Minutes for 6/15/05: review, approval

**Summary: The following change was made to the draft minutes: under "Enterprise Park at Calverton", it should be noted that Mr. Milazzo recused himself from the discussion. A motion was then made by Mr. Shea and seconded by Mr. Turner to approve the 6/15/05 minutes with this change. The motion was approved by a 5-0 vote.**

Change in meeting schedule: from 8/17 to 8/10

**Summary: A motion was made by Mr. Shea and seconded by Mr. Turner to reschedule the Commission meeting for August from 8/17/05 to 8/10/05. The motion was approved by a 5-0 vote.**

Insurance policy renewal: confirmation

**Summary: Mr. Corwin explained that the attached renewal of both the Commission's Directors and Officers, and General Liability insurance policies has been accomplished, with the Suffolk County Water Authority's Risk Management Department having obtained quotes. The insurance renewal was placed in time for the early June renewal date, and Commissioner Scully signed the renewal. He explained that it is the Commission's custom to affirm this renewal each year, and recommended a vote to that effect. A**

***motion was then made by Mr. Scully and seconded by Mr. Deering to ratify the insurance renewal as described in the attached documents. The motion was approved by a 5-0 vote.***

## **Project Decisions**

### **Compatible Growth Area (CGA)**

Roanoke Sand & Gravel Proposed Asphalt Plant / Middle Island (200-345-1-p/o 1.4, 1.5) / Assertion of Jurisdiction: status; request for project review assistance from SC Planning (assertion issued 6/15/05; decision due 10/13/05)

Summary: Mr. Milazzo noted that the Commission is now awaiting an application from the project sponsor, which it will forward to the SC Planning Department, and that would be followed by a hearing and receipt of public comments.

Washington Memorial Cemetery Land Division / Miller Place (200-261-1-1) / “development” determination: discussion; possible decision (no decision deadline)

Summary: Ms. Jakobsen summarized this proposed split of a one acre parcel for construction of a residence from the larger 150 acre parcel zoned A1 Residence which contains the cemetery and memorial park. She explained that the purpose of the action is to facilitate the construction of a residence for a member of the Cemetery’s Board whose presence there would hopefully serve to discourage and reduce illegal activities on the property, and that the State Cemetery Board has already approved the proposal. She also noted that the larger parcel is already in excess of the clearing limits and that the proposed residence parcel is wooded.

*Present for today’s discussion was Mr. Lawrence Fazio, the Board Member and Vice President who would occupy the structure. He described the actions taken on this to date, including, in part, the approval by the State Cemetery Board, and approval by a State Supreme Court Justice. He described the vandalism, desecration, four wheel and all terrain vehicle abuse, damage to headstones and grave sites, trespass, and related issues which his organization has been trying to address. A brief discussion ensued with the Commission members regarding the current security issues and approaches that have been taken.*

*Mr. Milazzo explained that there is some disagreement among the staff as to whether this project constitutes “development” or not, and specifically whether ECL 57-0107(13)(xiii) applies, which exempts some CGA lot splits of five or fewer acres under certain conditions. He described some of the prior Commission decisions with respect to this provision.*

***A motion was then made by Mr. Kent and seconded by Mr. Turner to determine that the Commission does not have jurisdiction over the proposed lot split as described in this case. The motion was approved by a 5-0 vote.***

*Mr. Corwin then suggested that the situation at the Cemetery should be brought to the attention of the Pine Barrens Law Enforcement Council for possible field enforcement. Mr. Fazio stated that he would be grateful for any assistance that the Council agencies may be able to provide.*

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of

Regional Significance: decision extension request (hearing held 10/17/01; decision originally due today)

Summary: Ms. Jakobsen reported that the attached decision extension request to the September Commission meeting was received from the project's representative. **A motion was made by Mr. Shea and seconded by Mr. Kent to accept and approve the decision extension request until the 9/21/05 Commission meeting. The motion was approved by a 5-0 vote.**

W&K Farms a/k/a Metz Farms c/o Kennedy / Manorville (200-558-4-6) / hardship: status (hearing held 6/15/05; decision deadline is 8/11/05 - today is last meeting before then unless 8/17 meeting is changed to 8/10)

Summary: The Commission decided to defer this matter until the 8/10/05 meeting.

Eastern Suffolk Development / Wading River (600-115.01-1-22) / new hardship: schedule hearing for August (decision deadline is 10/21/05)

Summary: Ms. Jakobsen summarized this new application for a 2.3 acre site in the Wading River area of Riverhead Town for relief from the clearing standard in the construction of a 17,731 square foot shopping and office center. She distributed and briefly discussed the application materials, and recommended scheduling a hearing. **A motion was then made by Mr. Shea and seconded by Mr. Turner to schedule a hearing on this application for the 8/10/05 meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

## Public hearing

### Core Preservation Area

Kent Memorial Animal Shelter Expansion / Calverton (600-138-1-6.2) (materials distributed 6/15; decision deadline is 10/22/05)

Summary: A separate stenographic transcript exists for this item. During the hearing, **a motion was made by Mr. Turner and seconded by Mr. Kent to approve this hardship application with conditions. The motion was approved by a 5-0 vote.**

## Project Decisions

### Compatible Growth Area (CGA)

Suffolk County Center Improvements / Southampton (900-137-1-27) / new Development of Regional Significance application: schedule hearing for August

Summary: Ms. Jakobsen reported that this Development of Regional Significance application previously discussed at Commission meetings has been received and recommended scheduling a hearing. **A motion was then made by Mr. Shea and seconded by Mr. Turner to schedule a hearing on this application for the 8/10/05 meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

Rosko Farms Subdivision / East Quogue (900-251-1-92) / CRA application: decision (hearing held 12/15/04, 1/19/05, 5/18/05; decision due today)

Summary: Mr. Born summarized the attached staff recommendations for this project, along with the changes that have been made to this project design since the Commission's initial reviews of it. **A motion was then made by Mr. Shea and seconded by Mr. Kent to approve this project with the conditions noted in the staff**

**recommendations. The motion was approved by a 5-0 vote.**

## **Other Project and Land Use Items**

### **Compatible Growth Area (CGA) and/or Outside Pine Barrens**

Iroquois Gas Pipeline Brookhaven Lateral: overview (not an application)

Summary: Present for today's discussion were Mr. William Hansen, Project Manager for Business Development for Iroquois; Ms. Kim Draghi, from the environmental staff of Iroquois; and Mr. Ray Humphreys, from the engineering staff of Iroquois.

Mr. Corwin introduced the topic, explaining that this project's representatives have met with both the NYS DEC and the Commission staff on separate occasions, and he described the location of the preferred and alternate routes of the pipeline with respect to the Central Pine Barrens in general and the CGA in particular.

Mr. Hansen then spoke about the Iroquois Pipeline Brookhaven Lateral Project, which is a 24 inch natural gas pipeline planned to connect the existing Iroquois pipeline in Smithtown to the Caithness electric generation plant proposed for Brookhaven, a distance of approximately 21.5 miles. The project is under the jurisdiction of the Federal Energy Regulatory Commission (FERC), and application is being made to that agency. He distributed and discussed the attached handout. Also attached is a one page map showing the general location of the pipeline.

It was noted during the discussion that the preferred route is along the north edge of the North Service Road of the Long Island Expressway, a route which would be entirely outside the Central Pine Barrens Area, although adjacent to the southerly boundary of the Compatible Growth Area for some segments of that traversal. FERC requires at least one alternate route be submitted, which Iroquois has done, and that alternative route would be parallel to the preferred LIE route, but north of that.

The alternative route would generally lie upon an existing Long Island Power Authority right of way, and would involve minimal clearing, if any. Mr. Corwin then noted that he has examined that alternate route, and that it would be partly, but not entirely, within the CGA. Although the alternate route is a straight line, the CGA boundary in that area is irregular, and the alternate route would enter and exit the CGA twice during its traversal.

The discussion then touched upon the FERC "prefiling" process, and the longer FERC evaluation process for the application. It was informally agreed upon that the Commission would be supportive of the preferred route for this project. Mr. Scully then thanked the Iroquois representatives for briefing the Commission today on this matter.

## **Plan, Stewardship & Related Issues**

Land Use Plan update: monthly report

Summary: Mr. Born and Mr. McNally discussed the recent production of an Administrative Draft of the Plan Volume 1 update, the upcoming 7/26 interagency staff meeting to discuss the CGA land use portions of that Administrative Draft, the current Plan production schedule, and the registered attendees for that interagency meeting (attached).

PLC Technical Subcommittee: monitoring RFP issuance

Summary: Mr. Corwin explained that the attached proposed Request For Proposals for development of a set of ecological monitoring protocols is ready for the Commission's approval, as per the previously approved stewardship budget that included this work. **A motion was made by Mr. Turner and seconded by Shea to approve the attached Request For Proposals and to authorize the issuance of it. The motion was approved by a 5-0 vote.**

## Other Project and Land Use Items

### Compatible Growth Area (CGA)

Villas at Medford Condominiums / Medford (200-574-2-15): prior approval; violation resolution (from 2/16/05; CGA permit granted 6/30/99)

Summary: Mr. Milazzo summarized this violation of a previously issued CGA hardship permit wherein a different recreational amenity was constructed (namely, a pool) than the original approval contemplated (i.e., a volleyball court). Mr. Milazzo recommended that the Commission impose a \$500.00 fine and impose the other conditions contained within the proposed stipulation. **A motion was then made by Mr. Deering and seconded by Mr. Turner to approve the attached stipulation of settlement for this violation, and to authorize the Commission Chair to execute this stipulation on behalf of the Commission. The motion was approved by a 5-0 vote.**

Enterprise Park at Calverton (EPCAL): general jurisdictional discussion; counsel's opinion (material previously distributed; from 6/15)

Summary: Mr. Scully noted that the Commission has received a legal opinion from Mr. Timothy Hopkins of the SCWA Legal Department on the question posed by the Commission at the last meeting during its EPCAL discussion. The Commission discussed portions of the memo, and touched upon, specifically, the concept that the Commission could review and approve an overall plan for the EPCAL site, which would then serve to provide a reference for what future projects would or would not be subject to individual scrutiny by the Commission, depending upon whether such a future project comports with the approved plan. The discussion also touched upon whether a zoning ordinance could serve as such a plan.

It was agreed that the Commission would seek to have Mr. Hopkins attend the next Commission meeting to personally discuss his legal opinion with the Commission.

### Closed Advisory Session

Summary: **A motion was made by Mr. Shea and seconded by Mr. Turner to enter into a closed advisory session for the purpose of receiving legal advice from counsel on a pending law enforcement matter. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 4:15 pm to 4:40 pm.**

### Adjournment

Summary: The meeting ended immediately following the closed advisory session, without a formal adjournment resolution.

**Attachments (in order of discussion):**

1. Attendance sheets (7/20/05; 4 pages)
2. Project location map for today's meeting (7/20/05; 1 page)
3. Insurance policy renewal materials (6/8/05; 7 pages)
4. Brookhaven Walk extension request (7/5/05; 1 page)
5. Rosko Farms staff recommendation (7/20/05; 4 pages)
6. Iroquois Pipeline Brookhaven Lateral presentation materials (7/20/05; 8 pages)
7. Iroquois Pipeline Brookhaven Lateral one page map (undated; 1 page)
8. Interagency Plan working meeting attendees (undated; 1 page)
9. Ecological Monitoring Protocols Development RFP (undated; 3 pages)
10. Villas at Medford stipulation of settlement (undated; 3 pages)

**Commission Meeting Summary (FINAL)  
for Wednesday, August 10, 2005 (Approved 9/21/05)  
at Brookhaven Town Hall,  
1 Independence Hill, Farmingville, 2:00 pm**



Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo and Mr. Hopkins. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Born, Mr. McNally and Ms. Eichelberger (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board), Ms. Longo (from the SC Planning Department), Fire Marshal Bruce Johnson (from the Town of Riverhead), and Det. (Ret.) And John Grauer (Co-Vice Chair of the Wildfire Task Force). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:11 pm by Mr. Scully, with a five member quorum.

Peter A. Scully  
Chair

Philip J. Cardinale  
Member

Patrick A. Heaney  
Member

John Jay LaValle  
Member

Steve A. Levy  
Member

#### **Public Comment and Administrative**

##### **Public comments**

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he explained that he is concerned about two cases currently before the Brookhaven Zoning Board of Appeals and whether the applications in those cases to develop at a higher density than the underlying zoning would be in compliance with the Pine Barrens Plan's standards and guidelines. He asked that the Commission contact those two applicants and determine whether those projects should come before the Commission. He stated that the Town Supervisor's Office staff is aware of these two cases and that they have instructed the Building Department not to issue any permits for them at this time.

Second, he requested that each of the three pine barrens towns' representatives forward to the Commission and staff an explanation of how the Planning Departments in each town identify those parcels and applications that are within the Central Pine Barrens, either the Compatible Growth Area or the Core Preservation Area.

Third, he asked whether anyone knew whether the Governor has signed the recently passed amendments to the pine barrens law, and Mr. Scully reported that he has just received word that the bill was signed.

Minutes for 7/20/05: review, approval (faxed)

Summary: **A motion was made by Mr. Shea and seconded by Mr. Kent to approve the meeting summary as drafted. The motion was**

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**approved by a 5-0 vote.**

## **Project Decisions**

### **Compatible Growth Area (CGA)**

W&K Farms a/k/a Metz Farms c/o Kennedy / Manorville (200-558-4-6) / hardship: decision extension request (*hearing held 6/15/05; decision deadline is currently 8/11/05 - today is last meeting before then*)

**Summary: Ms. Jakobsen reported that the attached written request for an extension of the decision deadline has been received from this project's representative. A motion was made by Mr. Turner and seconded by Mr. Kent to accept and approve the requested decision deadline extension to 10/19/05. The motion was approved by a 5-0 vote.**

## **Other Project and Land Use Items**

### **Compatible Growth Area (CGA)**

Enterprise Park at Calverton (EPCAL): general jurisdictional discussion (*materials faxed; from 7/20*)

**Summary: Mr. Scully summarized the 4/12/05 Pine Barrens Advisory Committee recommendation that the Commission examine the Commission's jurisdiction over activities at the EPCAL site; the Commission's subsequent discussions; and the legal opinion on this matter which the Commission requested and received from Mr. Hopkins of the Suffolk County Water Authority. Mr. Scully noted that the Commission requested that Mr. Hopkins attend today's meeting to further discuss this topic. Mr. Kent also provided to the Commission staff today copies of several Riverhead Town resolutions and documents which pertain to the EPCAL site, and which are noted in the previously distributed and attached EPCAL Pine Barrens event chronology.**

*The ensuing discussion touched upon the idea of the Commission reviewing a master plan for the EPCAL site, specifically for the purpose of determining which of the proposals contained in such a plan would constitute "development" under the pine barrens law, and which would be considered as "economic development" activities, and therefore exempt from Commission jurisdiction pursuant to Section 9.2 of the Pine Barrens Plan. Additionally, the discussion included possible procedures by which the Commission would undertake such a review; whether the master plan that the Commission would review would be the March 1996 Comprehensive Reuse Strategy for NWIRP at Calverton; the zoning amendments that the Town has made with respect to this site, and what review(s) have, and have not, been made by the Commission to date; the procedure by which a project would be brought to the Commission if it had jurisdiction; whether the Town wishes to submit a master plan to the Commission for review; and whether a project which the Town has determined to meet the Pine Barrens Plan's standards, and possibly guidelines, would also need to be reviewed by the Commission.*

*It was agreed that the Commission staff would begin to review the Comprehensive Reuse Strategy for the EPCAL site, and that Mr. Kent would speak with the Riverhead Town Board at an upcoming Town Board work session to determine whether the Town Board wishes to officially request that the Commission review the Comprehensive Reuse Strategy as the*



master plan for the site. If so, the Commission will consider the staff and counsel opinion as to the compatibility of that document with the Central Pine Barrens Land Use Plan.

Also present today was Mr. Robert Gaffney, an attorney representing the Island Water Park project located at the EPCAL site, who spoke briefly about his understanding of the pine barrens act, the Pine Barrens Plan, the zoning ordinances applicable to the site, and how these affect his client's project.

## **Plan, Stewardship & Related Issues**

Wildfire Task Force Public Education Committee: Presentation of Wildfire Safety and Awareness Instructor's CD-ROM (information item; Riverhead Fire Marshal Bruce Johnson, Co-Chair, Public Education Committee)

Summary: Riverhead Fire Marshal Bruce Johnson introduced this CD-ROM instructor's version, and spoke about the sixth to ninth grade audience for which it is intended. (See attached final project grant report submitted to the federal government.) Ms. Jakobsen then went through portions of the "pinwheel" of menu options in the CD-ROM, explaining the web links, pdf documents, and video clips that are found in the menu selections.

Law Enforcement Council (LEC): Outline of proposed September application to Department of Homeland Security's 2005 Fire Prevention and Safety Grant Program (information)  
Summary: Mr. Corwin, Det. (Ret.) John Grauer, and Fire Marshal Bruce Johnson explained this annual federal grant for fire prevention offered by the Department of Homeland Security, and the LEC's intention of applying for a Wildfire Safety and Prevention Grant targeted towards the junior high school grade level, and incorporating the volunteer services of retired individuals, especially retired firefighters, in producing juvenile arson prevention and awareness programs (see attached draft outline). The grant application window opens in September, and a 30% match is required. The LEC hopes to utilize some of the purchases that they intend to make in 2006 from the previously approved Environmental Benefit Payment budget to satisfy a portion of that match requirement if the application is approved.

## **Public hearings**

### **Compatible Growth Area (CGA)**

Eastern Suffolk Development Commercial Site Plan / Wading River (600-115.01-1-22) / CGA hardship (materials mailed; decision deadline is 10/21/05)  
Summary: A separate stenographic transcript exists for this item.

Suffolk County Center Improvements / Southampton (900-137-1-27) / Development of Regional Significance (materials mailed; decision deadline is 10/12/05)  
Summary: A separate stenographic transcript exists for this item.

## **Plan, Stewardship & Related Issues**

Land Use Plan update: monthly report

Summary: Mr. Born and Mr. McNally summarized the 7/26/05 interagency staff working

session held in Riverhead, and that day's focus upon the peer review and critique of the CGA land use portions of the "administrative draft" of the revised Plan.

#### **Closed Advisory Session**

**Summary: A motion was made by Mr. Shea and seconded by Mr. Turner to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 4:38 pm to 5:01 pm.**

#### **Project Decisions**

##### **Core Preservation Area**

Longwood School District - Ridge Elementary School / Ridge (Brookhaven; 200-294-2-6,7 (CGA); easement on p/o 200-325-1-11(Core)) / post 1993 development violation: settlement stipulation approval

**Summary: A motion was made by Mr. Turner and seconded by Mr. Kent to**

**(1) approve the following resolution:**

***"Whereas, the Longwood Central School District (hereinafter "Longwood") owns certain property located within the Compatible Growth Area of the Central Pine Barrens in Ridge, and***

***Whereas, Longwood pursuant to a 1975 Revocable Permit issued by the New York State Department of Conservation occupied a portion of a parcel owned by New York State known which portion is known as Parcel 2 and which is located in the Core Preservation Area and was authorized to use Parcel 2 for specified purposes, including but not limited to, construction of a road, bus parking and a student pick-up and discharge area and other miscellaneous improvements, and***

***Whereas, Longwood, in violation of the 1975 permit and Article 57 of the Environmental Conservation Law and the Central Pine Barrens Comprehensive Land Use Plan caused or permitted to be caused the installation of an 8,000 underground fuel oil storage tank, a concrete slab and parking for 50 automobiles on Parcel 2, and***

***Whereas, the Commission issued a Notice of Violation dated June 16, 2003 to Longwood alleging that Longwood engaged in "development" as defined in Article 57 of the ECL without the required approvals, and***

***Whereas, Longwood concedes that it violated Article 57 of the ECL by allowing the facilities to be installed within Parcel 2 without first obtaining the approval of the Commission pursuant to Article 57 and***

***Whereas, the Commission wishes to exercise its authority pursuant to ECL §57-0136 to resolve the outstanding violations,***

***Now, therefore, be it***

***Resolved that Longwood shall within twenty (20) days of this resolution enter into both the attached Order on Consent and Cooperative Agreement and comply fully and in timely fashion with each and every provision, term, and condition of each, and be it further***

***Resolved, that Longwood's failure to comply fully and in timely fashion with each and every provision, term, and condition of the Order on Consent and Cooperative Agreement shall constitute a default thereof and under Article 57 of the Environmental Conservation Law."***

***and (2) to authorize Mr. Deering to sign the attached draft stipulation with the Longwood School District on behalf of the Commission.***

***The motion was approved by a 5-0 vote.***

**Adjournment**

***Summary: A motion was made by Mr. Shea and seconded by Mr. Kent to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 5:03 pm.***

**Attachments (in order of discussion):**

1. Attendance sheet (date; 1 page)
2. Project location map for today's meeting (date; 1 page)
3. Decision extension request for Metz Farms project (8/10/05; 1 page)
4. Brief Chronology of EPCAL and the Central Pine Barrens (8/9/05; 3 pages)
5. Final grant report on the Wildfire Safety CD-ROM (undated; 2 pages)
6. Draft project narrative for 2005 Fire Prevention Grant (undated; 5 pages)
7. Letter from Mr. Stadler re Ridge Elementary School (8/5/05; 2 pages)
8. Letter from Ridge Civic Association re Ridge Elementary School (4/18/05; 2 pages)
9. Order on consent re Longwood School District (undated; 11 pages)
10. Cooperative agreement between Longwood and NYS DEC (undated; 8 pages)



**CENTRAL  
PINE  
BARRENS**  
JOINT  
PLANNING  
&  
POLICY  
COMMISSION

**Commission Meeting Summary (FINAL)  
for Wednesday, September 21, 2005 (Approved 10/19/05)  
at the Quogue Wildlife Refuge Nature Center,  
Old Country Road, Quogue, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Ms. Longo (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. Born, Mr. McNally and Ms. Eichelberger (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board), Mr. Bagg (from the Suffolk County Planning Department), Mr. Jones (from the Suffolk County Water Authority (SCWA) and Chair of the Advisory Committee), and Mr. Kiely (from the Brookhaven Town Law Department). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:03 pm by Mr. Scully, with a five member quorum. The Pledge of Allegiance was recited.

Peter A. Scully  
Chair

Philip J. Cardinale  
Member

Patrick A. Heaney  
Member

John Jay LaValle  
Member

Steve A. Levy  
Member

### **Public Comment and Administrative**

#### Personnel acknowledgment

Summary: Mr. Scully acknowledged the contributions of Mr. William Patterson, who has served for the past several years as the Pine Barrens Project Director for The Nature Conservancy's Long Island Chapter. During that time, Mr. Patterson served on the Pine Barrens Advisory Committee, the Protected Lands Council, and the Wildfire Task Force. He wished him well in his new assignment for The Nature Conservancy, and Mr. Patterson spoke briefly about his experiences on Long Island.

#### Public comments

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. He repeated a question which he raised at the last Commission meeting, namely a request for an explanation by the three Towns' Commission representatives as to how their planning staffs identify incoming development and permit applications which involve parcels within the Central Pine Barrens. Mr. Scully stated that he would return to that item later in the meeting.

#### Minutes for 8/10/05: review, approval (faxed)

Summary: **A motion was made by Mr. Shea and seconded by Mr. Kent to approve the draft minutes as final. The motion was approved by a 5-0 vote.**

#### Report of the Temporary Staffing and Administrative Committee (from 3/9)

Summary: Mr. Turner summarized some of the recommendations contained within the draft report of this temporary committee, with the latest draft being compiled by a subcommittee consisting of himself, Mr.

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Patterson, and Mr. Corwin. He explained that the recommendations generally fall into three categories: reorganization and specialization of the staff; an increase in the staffing level; and finer level recommendations regarding operations and efficiency.

Mr. Jones, representing the SCWA and a member of the temporary committee, explained that the SCWA will hire staff as per the Commission's desires, with the stipulation that their employment will be subject to continued state reimbursement. Mr. Amper, also a member of the temporary committee, noted that the Commission should have a screening process for development applications that would help eliminate a large quantity of the development activity that would otherwise require considerable staff and Commission time to examine and evaluate. Mr. Scully indicated that he would follow up on this suggestion with staff and counsel. Mr. Patterson noted that the state Environmental Protection Fund has increased steadily over the recent past, and that this may be a good indication of success for a request by the Commission for an increase in funds. It was agreed that the report will be taken up again at the October meeting.

Authorization to accept class action settlements involving Aon insurance (*counsel to describe*)  
**Summary:** Mr. Millazzo explained the nature of this national class action litigation and proposed settlement regarding the fees and commissions charged by Aon in the course of its insurance business, which is described in the attached memo. A brief discussion was held regarding the alternative to participating in the settlement, which would involve filing a claim in small claims court, and it was agreed that would not be cost effective. **A motion was made by Mr. Shea and seconded by Mr. Turner to accept the proposed settlement and to authorize Mr. Corwin to sign the attached settlement papers on behalf of the Commission. The motion was approved by a 5-0 vote.**

## Project Decisions

### Compatible Growth Area (CGA)

Roanoke Sand & Gravel Proposed Asphalt Plant / Middle Island (200-345-1-p/o 1.4, 1.5) / Assertion of Jurisdiction: new application; schedule hearing; decision extension (assertion issued 6/15/05; no hearing held; decision deadline is currently 10/13/05 - today is last meeting before then)

**Summary:** Mr. Corwin explained that the attached application has been received for this project over which the Commission asserted jurisdiction on 6/15/05. A copy of that application has been forwarded to the Suffolk County Planning Department which has agreed to review the project for the Commission. Based upon the date of the Commission's assertion, the current decision deadline is 10/13/05. He explained that the project's consultant has also submitted a letter requesting an extension of the Commission's decision deadline to the 12/21/05 Commission meeting.

**A motion was then made by Mr. Turner and seconded by Ms. Longo (1) to approve and agree to the new decision deadline of 12/21/05 and (2) to schedule a public hearing on this project for the 11/16/05 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of Regional Significance: decision extension request to 11/16 (hearing held 10/17/01; decision currently due today)

**Summary:** Ms. Jakobsen explained that the attached request has been received from this project's representative to extend the Commission's decision deadline on this from the

current 9/21/05 to the 11/16/05 Commission meeting. **A motion was then made by Mr. Shea and seconded by Mr. Scully to approve and agree to this request. The motion was approved by a 5-0 vote.**

Suffolk County Center Improvements / Southampton (900-137-1-27) / Development of Regional Significance: decision (hearing held 8/10; decision deadline is 10/12/05 - today is last meeting before then)

Summary: Ms. Jakobsen explained the content of the attached draft negative declaration and proposed approval resolution, including the conditions. One of the conditions that was agreed upon is the movement of the proposed new parking near the jail to an area that is already cleared. **A motion was made by Mr. Shea and seconded by Mr. Kent (1) to issue the attached negative declaration for this project under the State Environmental Quality Review Act (SEQRA), and (2) to adopt the attached approval resolution with the stated conditions. The motion was approved by a 5-0 vote.**

### **Pine Barrens Credit Program**

Milwest Associates LOI Issuance / Westhampton (900-244, 245, 246, 284, 285) / Letters of Interpretation: old filed map allocation basis policy discussion (LOIs issued 8/12/05; no decision deadline applicable)

Summary: Mr. Milazzo explained that these parcels, which are on the east side of County Road 31, south of NYS Route 27 (Sunrise Highway) in Westhampton, are the subject of a new Credit allocation appeal. These parcels are in the CR-200 zoning district, and total approximately 272 acres. Letters of Interpretation totaling 41.84 Credits were issued, and the appeal seeks a revised allocation of 49.16 Credits. He also summarized the history of this parcel collection for the Commission, including the litigation and currently pending settlement that has occurred between Milwest Associates and Suffolk County over the question of ownership.

Mr. Irving Like, attorney for Milwest Associates, was present and spoke briefly about his client's property, the litigation, the Credit allocation, and the Credit allocation appeal. Also present today was Mr. Leo Spandorf, one of the principals in Milwest Associates, who described some of that entity's history and who urged the Commission to act promptly on their appeal request, noting that some of the principals are elderly.

**A motion was then made by Mr. Shea and seconded by Mr. Kent to schedule a public hearing on this appeal for the 10/19/05 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

## **Other Project and Land Use Items**

### **Compatible Growth Area (CGA)**

Enterprise Park at Calverton (EPCAL): jurisdictional discussion (from 8/10)

Summary: Mr. Corwin summarized the discussions that have taken place regarding this since the last Commission meeting, explaining that he has spoken with Mr. Hopkins, counsel to the Commission for this matter, and Mr. Kent. He noted that counsel has indicated that, in order for the Commission to consider a master plan for the site and determine whether all or part of such a plan meets the "economic development" criteria that would exempt such actions from the Commission's jurisdiction and review, the Town should make a formal presentation and application to the Commission, explaining how the land use actions contemplated in the master plan relate to the Pine Barrens Plan and its

related SEQRA materials (e.g., the Final Generic Environmental Impact Statement and the Findings Statement). Mr. Corwin also explained that he has spoken with Mr. Kent, who indicated that the Town is interested in simply addressing land use proposals at the EPCAL site as normal CGA projects, that the Town would review them under the Pine Barrens Plan's CGA standards and guidelines, and refer any that do not meet the standards to the Commission for processing as CGA hardship applications.

Mr. Kent confirmed that as the policy of the Town, and also stated that the Town has always applied the CGA standards to all EPCAL proposals. He explained that the Town will forward to the Commission any CGA project that does not conform to the standards in the Pine Barrens Plan.

Also present was Riverhead Town Councilman Edward Densieski, representing himself, who stated that housing at the EPCAL site is ill advised, and that a current development scenario at EPCAL has extensive housing.

A discussion then ensued regarding the need for the Commission to review those Riverhead Town code amendments subsequent to the Pine Barrens Plan adoption that were never previously reviewed. Mr. Kent provided copies of the Town's Article 35, Pine Barrens Overlay District, and the later amendments regarding the Planned Industrial Park and the Planned Recreational Park code provisions. It was agreed that these should be reviewed by the Commission for conformance with the Plan, and that Mr. Kent would submit a written transmittal letter to the Commission stating that these are being submitted for review by the Commission for determination of their conformance with the Pine Barrens Plan.

Also present today was Mr. Daniel Sullivan from Roux Associates, who stated that his firm is representing the Island Water Park project at EPCAL. He stated that he wants to know whether the Island Water Park project is considered "economic development" and therefore exempt from the Commission's jurisdiction. He also stated that it was his understanding that this project was previously determined to be "economic development", and that his client's site is 70% cleared and cannot meet the standard for clearing if it were subject to the CGA standards. Mr. Scully indicated that his client should be discussing with the Town any matters regarding previous determinations about that site.

## **Plan, Stewardship & Related Issues**

Land Use Plan update: monthly report

Summary: Mr. Born distributed and discussed the attached 1995 Plan problem statement summary. He and Mr. McNally explained the extent of the outreach effort undertaken to date for the update work, and noted that there has been a problem in obtaining extensive feedback. They also discussed the deadlines and extensions that have occurred for providing Plan comments. Mr. Shea and Ms. Prusinowski noted that the towns' staffs have little time to devote to the review of an extensive document, and that scheduling individual meetings with the various towns may be necessary. Mr. Amper noted that the towns have had ten months to provide comments.

Wildfire Task Force (WTF): recommendation to add two new member organizations, National Weather Service, NY Wildfire and Incident Management Academy; modification of WTF establishing resolution (memo faxed)

Summary: Mr. Corwin summarized this recent recommendation of the Wildfire Task

**Force as described in the attached and previously distributed memo. A motion was then made by Mr. Kent and seconded by Ms. Longo to modify the Wildfire Task Force establishing resolution to include the National Weather Service and the New York Wildfire and Incident Management Academy as members. The motion was approved by a 5-0 vote.**

## **Other Project and Land Use Items**

### **Compatible Growth Area (CGA)**

Town procedures for identifying pine barrens area development applications *(not on the original agenda)*

Summary: Mr. Scully asked the towns' representatives to summarize how the towns flag those incoming land use proposals that involve pine barrens parcels. Mr. Shea described the Southampton Town geographic information system (GIS) within which those parcels within the pine barrens - Core or CGA - are identified by the parcel attributes. He explained that the entry of a Suffolk County Tax Map number is all that is required to identify a parcel's location within, or outside of, the pine barrens. Ms. Prusinowski explained some of the technical issues which her town's staff have faced in trying to have their GIS system do the same, and noted that the Town has their GIS staff actively working with the Commission staff to resolve those issues - often on a parcel by parcel basis - as soon as possible.

The discussion turned briefly towards the provision of such information to the town's zoning appeals boards, and whether the land use appeals which those boards hear are properly identified when they involve pine barrens parcels, so that the Pine Barrens Plan standards are respected, and any potential CGA hardship cases are identified. Mr. Shea noted that this problem does not exist in Southampton, since any pine barrens parcels on which zoning appeals are to be decided are actually heard by the Planning Board, since they fall within the town's Aquifer Protection Overlay District.

## **Adjournment**

Summary: **A motion was made by Mr. Kent and seconded by Mr. Scully to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 3:44 pm.**

## **Attachments (in order of discussion):**

1. Attendance sheet (9/21/05; 2 pages)
2. Project location map for today's meeting (9/21/05; 1 page)
3. Letter designating Ms. Longo to represent the County Executive today (9/21/05; 1 page)
4. Memo describing the Aon Insurance litigation settlement (9/21/05; 1 page)
5. AON settlement materials, including release forms (6/30/05; 26 pages)
6. Roanoke Asphalt decision extension request (8/26/05; 1 page)
7. Brookhaven Walk decision extension request (9/12/05; 1 page)
8. Suffolk County Center negative declaration (9/21/05; 6 pages)
9. Suffolk County Center approval resolution (9/21/05; 5 pages)
10. Letter from counsel for Milwest Associates (8/17/05; 4 pages)
11. 1995 Plan Problem Statement Summary (9/21/05; 6 pages)
12. WTF Recommendation to Commission add members to WTF (9/8/05; 1 page)



**Commission Meeting Summary (FINAL)  
for Wednesday, October 19, 2005 (Approved 11/16/05)  
at the Quogue Wildlife Refuge Nature Center,  
Old Country Road, Quogue, 2:00 pm**



Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Mr. Turner (for Brookhaven), Mr. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Mr. Born, Mr. McNally and Ms. Eichelberger (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:05 pm by Mr. Scully, with a five member quorum. The Pledge of Allegiance was recited.

### Public Comment and Administrative

Peter A. Scully  
Chair

Philip J. Cardinale  
Member

Patrick A. Heaney  
Member

John Jay LaValle  
Member

Steve A. Levy  
Member

#### Public comments

Summary: The first speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he commented upon the Brookhaven Zoning Board of Appeals (ZBA) and current or recent applications before that body. He believes that the ZBA cases may be in violation of the pine barrens law, that the Town promised to write to the applicants to inform them that they may need Commission approval, and that he will ask the NYS Attorney General on 11/1/05 to invoke the pine barrens law enforcement provisions.

Second, he stated that he would like to know the status of the revegetation that was to occur at Firemen's Park in Ridge, as well as whether any of the stalls at the shooting range on the site have been removed. He also noted that Critical Resource Area (CRA) nominations have not been made by Southampton Town, and is unable to determine the status of the investigation into the compliance of the Island Water Park project at the Enterprise Park at Calverton (EPCAL) site.

Mr. Turner stated that the revegetation efforts at Firemen's Park had been undertaken, but that the seedlings were eaten by deer, and a new batch of seedlings has been ordered from the state nursery. Mr. Shea stated that Southampton Town has not finalized its CRA nominations, but invited Mr. Amper to meet with his staff to discuss any nominations that the LI Pine Barrens Society may have, and Mr. Amper accepted that offer. Mr. Kent explained that a meeting has been scheduled between Riverhead Town officials and Island Water Park representatives for 11/1/05 to discuss the status of the work there, and he promised to report back to the Commission at the next meeting.

The second speaker was Riverhead Town Councilman Edward Densieski, who read the attached statement re the EPCAL site, its Reuse Plan, the Pine Barrens Plan, and the current housing proposals

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for the site. He also submitted the attached excerpt from the Town's 1998 findings statement for the Reuse Plan.

The third speaker was Mr. Daniel Sullivan of Roux Associates, representing the sponsors of the Island Water Park project at the EPCAL site. He stated that he does not believe that water skiing is in conflict with the pine barrens law; that this activity is allowed on reservoirs around the country, including some controlled by the NYS DEC; and that the current plans for the water park include revegetation.

Minutes for 9/21/05: review, approval (faxed)

Summary: **A motion was then made by Mr. Kent and seconded by Mr. Deering to approve the 9/21/05 minutes as drafted. The motion was approved by a 5-0 vote.**

Report of the Temporary Staffing and Administrative Committee (from 9/21)

Summary: Mr. Turner spoke briefly about the completed and attached Committee report. **A motion was then made by Mr. Turner and seconded by Mr. Shea to approve the attached Temporary Committee report. The motion was approved by a 5-0 vote.**

Report from the Advisory Committee's 10/11/05 meeting (Richard Amper, Vice Chair; resolution faxed)

Summary: Mr. Amper reported that the attached resolution was passed by the Pine Barrens Advisory Committee at its 10/11/05 meeting recommending that the specified criteria be used by the Commission to determine the acceptability of any new proposed Critical Resource Areas (CRAs) for the Pine Barrens Plan. Mr. Corwin explained that the Advisory Committee asked him to also convey to the Commission that the Committee informally recommends that the Protected Lands Council's Technical Subcommittee be requested to do the review of any new proposed CRAs for the pending Plan update, using the recommended criteria.

## Project Decisions

### **Compatible Growth Area (CGA)**

Wendy's Restaurant / Middle Island (200-379-3-9.3) / hardship: new application; schedule hearing (decision deadline is 01/11/06)

Summary: Ms. Jakobsen summarized this new application for a restaurant pad site addition to an existing shopping center on an existing shopping center site on the north side of NYS Route 25 in Middle Island zoned J2 Business.

**A motion was made by Mr. Shea and seconded by Mr. Turner to schedule a hearing on this application for the 12/21/05 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

W&K Farms a/k/a Metz Farms c/o Kennedy / Manorville (200-558-4-6) / hardship: decision extension request (hearing held 6/15/05; material faxed; decision deadline is currently today)

Summary: Ms. Jakobsen summarized this previously discussed application for clearing above the Plan's standard on a 21.45 acre site on South Street in Manorville zoned A2 Residence. She explained the provisions and conditions of the attached draft approval resolution for clearing a portion of the site.

**A motion was then made by Mr. Turner and seconded by Mr. Kent (1) to adopt the**

**attached negative declaration under the State Environmental Quality Review Act (SEQRA) for this project and (2) to adopt the attached resolution approving this application with conditions. The motion was approved by a 5-0 vote.**

Hampton Club Residential Subdivision / Eastport (200-563-4-2, 5.1; 200-594-1-5) / hardship: new application; schedule hearing (decision deadline is 02/04/06)

Summary: Ms. Jakobsen summarized this new application for 64 home residential subdivision on a 76 acre site on the south side of County Road 111, east of County Road 61, and north of NYS Route 27 in Eastport zoned A1 Residence.

**A motion was made by Mr. Turner and seconded by Mr. Shea to schedule a hearing on this application for the 11/16/05 Commission meeting at 3:00 pm. The motion was approved by a 5-0 vote.**

Eastern Suffolk Development Commercial Site Plan / Wading River (600-115.01-1-22) / CGA hardship: possible decision (hearing held 8/10; material faxed; decision deadline is 10/21/05 - today is last meeting before then)

Summary: Mr. Milazzo summarized this previously discussed application for a commercial project consisting of three separate buildings on a 2.3 acre site on the north side of NYS Route 25 in Wading River currently zoned RB-80, including the litigation that ensued between the project sponsor and Riverhead Town. He noted that the project exceeds the clearing limits under the Plan for both the current zoning category and the previous zoning category.

**A motion was then made by Mr. Kent and seconded by Mr. Deering (1) to adopt the attached negative declaration under SEQRA for this project and (2) to adopt the attached resolution denying this application. The motion was approved by a 5-0 vote.**

## **Other Project and Land Use Items**

### **Compatible Growth Area (CGA)**

Enterprise Park at Calverton (EPCAL): general jurisdictional discussion; zoning amendment review (from 9/21; material faxed)

Summary: Mr. Corwin reviewed the attached memo previously forwarded to the Commission recommending that the 1999 Riverhead Town zoning amendments relating to the EPCAL site be approved and deemed to be in conformance with the pine barrens statute and the Pine Barrens Plan. The memo contains a recommended approval resolution. A brief discussion followed regarding the fact that this resolution, and the question currently before the Commission regarding the 1999 zoning amendments, does not involve the topic of economic development at the EPCAL site which was discussed at prior Commission meetings.

**A motion was then made by Mr. Shea and seconded by Mr. Deering to approve the following resolution:**

**“Whereas, the 1993 Long Island Pine Barrens Protection Act codified in NY ECL Article 57 requires the production of a comprehensive land use plan by the Commission, which was completed and adopted into law on 6/28/95, and**

**Whereas, the act requires that Town laws and regulations be brought into**

**conformance with the act and the Plan, and**

**Whereas, the Town of Riverhead enacted such changes through its 5/7/96 Article XXXV Pine Barrens Overlay District (Town Code Sections 108-175 through 108-180), which was subsequently amended, partly in response to Commission review and comment, and**

**Whereas, the Commission conditionally approved the Pine Barrens Overlay District on 11/13/96 and the Town satisfied the Commission's approval conditions on 5/20/97, and**

**Whereas, the Town adopted on 9/7/99 additional amendments applicable to the Enterprise Park at Calverton (EPCAL) entitled Planned Industrial Park (PIP) District (Town Code Sections 108-228 through 108-234) and Planned Recreational (PRP) Park District (Sections 108-235 through 108-245), and**

**Whereas, the Commission has received a request from the Town to review and approve those Districts' amendments, which were not previously reviewed by the Commission, and**

**Whereas, the Commission has reviewed those amendments and finds that the previously approved Pine Barrens Overlay District requirements fully and completely apply to the geographic areas also covered by the PIP and PRP Districts, and that all land use within those Districts must fully comply with the requirements of the overlay district, and**

**Whereas, the Districts' amendments also explicitly comply with, and further, the pine barrens act and Plan,**

**Now, therefore, be it**

**Resolved, that the Commission hereby finds that the PIP and PRP Districts' amendments comply with, and are in conformance with, both the pine barrens act and the Pine Barrens Plan."**

**The motion was approved by a 4-0-1 vote, with the abstaining vote cast by Mr. Kent.**

## **Plan, Stewardship & Related Issues**

Land Use Plan update: monthly report

Summary: Mr. Born addressed the replacement of the existing clearing standard in the Pine Barrens Plan with an open space standard based upon the principles of conservation subdivision design. This approach sets a goal of leaving a certain percentage of a project site as open space, with that percentage based upon the current zoning for the parcel(s) involved.

The specific areas on a site that will then be included as open space are identified in two design steps, which identify "primary" and "secondary" conservation areas. The former consist of resources on a site that are already legally protected from development, such as delineated wetlands, steep slopes, and other legally protected natural resources that may be found on a site. Once the percentage of open space that these primary areas

occupy is determined, then secondary conservation areas are identified. All or a portion of the secondary conservation areas are then included in the open space for the site until the required percentage is reached.

This approach is being already being applied by Brookhaven Town in the Hampton Club residential project discussed earlier today. Conservation subdivision design was also the subject of a recent professional planning seminar sponsored by Brookhaven Town in which its applications across similar suburban areas of the United States was explained by Mr. Randall Arendt, a nationally recognized planner. Mr. Born distributed the attached Conservation Design booklet and the excerpt from the revised Plan draft that incorporates this.

## Public hearing

### ***Pine Barrens Credit Program***

Milwest Associates LOI Issuance / Westhampton (900-244, 245, 246, 284, 285) / Letters of Interpretation (LOIs issued 8/12/05; material previously distributed; decision deadline is 11/20/05)

Summary: A separate stenographic transcript exists for this item. The hearing was briefly interrupted at one point for the Eagle Scout presentation.

## Public Comment and Administrative

Presentation of Eagle Scout award by LI Pine Barrens Society

Summary: Mr. Amper presented a plaque on behalf of the Long Island Pine Barrens Society (LIPBS) to Eagle Scout Brian Ljungqvist for his creation and installation of a public information kiosk at the NYS Rocky Point Natural Resource Management Area. A press release and article from the LIPBS is attached. Members of the Commission joined Mr. Ljungqvist and Mr. Amper for a photograph.

## Public hearing (continued)

### ***Pine Barrens Credit Program***

Milwest Associates LOI Issuance / Westhampton (900-244, 245, 246, 284, 285) / Letters of Interpretation (LOIs issued 8/12/05; material previously distributed; decision deadline is 11/20/05)

Summary: A separate stenographic transcript exists for this item. During the hearing, a resolution was passed to change the Credit allocation from the original 41.84 Credits to 47.70 Credits.

## Adjournment

Summary: A motion was made by Mr. Kent and seconded by Mr. Turner to adjourn. The motion was approved by a 5-0 vote, and the meeting ended at approximately 4:23 pm.

## Attachments (in order of discussion):

1. Attendance sheet (date; 1 page)
2. Project location map for today's meeting (date; 1 page)
3. Statement from Councilman Densieski re EPCAL (10/19/05; 2 pages)
4. Excerpt from Riverhead Town's EPCAL reuse findings statement (1998; 4 pages)
5. Staffing and Administrative Committee report (undated; 9 pages)
6. PB Advisory Committee resolution re CRAs (10/11/05; 2 pages)
7. Metz Farms negative declaration (10/19/05; 1 page)
8. Metz Farms approval resolution (10/19/05; 3 pages)
9. Eastern Suffolk Development negative declaration (10/19/05; 1 page)
10. Eastern Suffolk Development disapproval resolution (10/19/05; 2 pages)
11. Letter from Riverhead Town requesting review of zoning amendments (10/5/05; 1 page)
12. Staff memo re Riverhead Town zoning amendments approval (10/17/05; 2 pages)
13. Riverhead Town Article XXXV Pine Barrens Overlay District (5/7/96 and later; 7 pages)
14. Riverhead Town Articles XLIII and XLIV EPCAL Districts (9/7/99; 22 pages)
15. EPCAL zoning map (8/30/05; 1 page)
16. Conservation Design booklet (Nov. 2000; 21 pages)
17. Plan revision section incorporating conservation design principles (7/8/05; 4 pages)
18. LIPBS article and press release re Eagle Scout kiosk project (6/3/05 release; 2 pages)



**Commission Meeting Summary (FINAL)  
for Wednesday, November 16, 2005 (Approved 12/21/05)  
at the Brookhaven Town Hall,  
1 Independence Hill, Farmingville, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. Kent (for Riverhead), and Mr. Murphree (for Southampton).

Others present: Staff counsel was Mr. Milazzo. Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, and Mr. McNally (from the Commission), Mr. Pavacic and Mr. Spitz (from the NYS Department of Environmental Conservation (NYS DEC)), Mr. Isles and Mr. Bagg (from the Suffolk County Department of Planning), and Mr. Freleng (from the Suffolk County Planning Department and Vice Chair of the Pine Barrens Credit Clearinghouse Board). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:12 pm by Mr. Scully, with a four member quorum initially present consisting of New York State, Suffolk County, Brookhaven Town, and Southampton Town.

Peter A. Scully  
Chair

Philip J. Cardinale  
Member

Patrick A. Heaney  
Member

John Jay LaValle  
Member

Steve A. Levy  
Member

### **Public Comment and Administrative**

#### **Public comments**

Summary: The only speaker was Mr. Richard Amper, representing the Long Island Pine Barrens Society. First, he reported that he had a productive meeting with Southampton Town staff regarding the pending nominations of Critical Resource Areas within Southampton for the Plan update. Second, he noted that he was working with Town staff regarding the Brookhaven Zoning Board of Appeals issues of which he has previously spoken at Commission meetings. Third, he explained that he has spoken with the NYS Attorney General's Office regarding enforcement of the stipulation addressing the issues that previously arose with the Brookhaven Town Fireman's Park Shooting Range.

Minutes for 10/19/05: review, approval

Summary: **A motion was made by Mr. Deering and seconded by Mr. Turner to approve the 10/19/05 minutes as drafted. The motion was approved by a 4-0 vote.**

### **Project Decisions**

#### **Compatible Growth Area (CGA)**

Brookhaven Walk Shopping Center / Yaphank (200-553-1-1.3; 200-584-2-1.2) / Development of Regional Significance: decision extension request (hearing held 10/17/01; decision currently due today)

Summary: Ms. Jakobsen reported that the attached letter from the project's representative has been received requesting an extension of the Commission's ECL 57 decision deadline to the January Commission meeting, which will be 1/18/05. She also noted that the Town, which is

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the lead agency, has not yet accepted the final draft supplemental environmental impact statement for this project. She reported that the Commission just received the revised version of this project's application to the Commission. **A motion was then made by Mr. Deering and seconded by Mr. Turner to accept and approve the requested extension of the Commission's decision deadline on this project to 1/18/05. The motion was approved by a 4-0 vote.**

### **Pine Barrens Credit Program**

Milwest Associates Credit Issuance / Westhampton (900-244, 245, 246, 284, 285) / follow up to 10/19 hearing and decision (LOIs issued 8/12/05; hearing held and appeal decided 10/19/05)

Summary: Mr. Scully indicated that this matter would be revisited later in the agenda following a closed session for the purpose of receiving legal advice on this matter.

### **Plan, Stewardship & Related Issues**

Land Use Plan update: monthly report

Summary: Mr. McNally distributed the attached copy of a presentation on the Plan update given by Mr. Corwin and Mr. Born at the 10/26/05 Suffolk County Planning Federation Seminar. He noted the topics covered: conservation subdivisions, developments of regional significance, critical resource areas, hamlet centers, wildland urban interface, special land uses, stewardship, groundwater protection, source water recharge areas, revegetation, and night time lighting. Mr. Corwin reported that the Commission staff met with Southampton staff, including Mr. Shea, on their evaluation of the Administrative Plan Draft, and that they went the draft Town comments in detail. A final copy of the Town's comments will be forwarded to the Commission as soon as it is final.

Mr. Kent arrived at this point, and a five member quorum was present.

Law Enforcement Council: authorization to purchase ATVs under Environmental Benefit Payment budget (requests for proposals/prices completed and to be distributed)

Summary: Mr. Corwin reviewed this origin of this effort to purchase two all terrain vehicles for use by the Law Enforcement Council agencies. The Suffolk County Water Authority's (SCWA) Purchasing Department issued a notice to bidders on 10/19/05 (SCWA contract number 1207), the responses to which were due on 11/2/05. Four bids were received (see attached sheet). The lowest bid was from Gold Coast Motorsports of New Hyde Park, NY for a total of \$12,498.00 for both vehicles (i.e., \$6,429.00 each). **A motion was made by Mr. Turner and seconded by Mr. Deering to award this purchase contract to Gold Coast Motorsports as per these specifications. The motion was approved by a 5-0 vote.**

### **Closed Advisory Session**

Summary: **A motion was made by Mr. Murphree and seconded by Mr. Turner to enter into a closed advisory session for the purpose of receiving legal advice from counsel. The motion was approved by a 5-0 vote, and the Commission entered into closed session from approximately 2:22 pm to 2:33 pm.**

### **Project Decisions**



## **Pine Barrens Credit Program**

Milwest Associates Credit Issuance / Westhampton (900-244, 245, 246, 284, 285) / follow up to 10/19 hearing and decision (LOIs issued 8/12/05; hearing held and appeal decided 10/19/05)

Summary: Mr. Milazzo briefly explained the history and current status of this Credit allocation appeal, upon which the Commission held a hearing on 10/19/05. At that meeting, the Commission approved an adjusted allocation of 47.70 Credits. Since that hearing, the appellants and their attorney, Mr. Irving Like, and the title company's representative, met with the Commission staff to finalize the paperwork and the easement, and that an issue arose at that time with respect to the title of the property.

Since then, Mr. Milazzo, Mr. Like, and the County Attorney's representative have discussed this matter, and the issue is now tentatively settled based upon a newly revised draft stipulation of settlement between the County and the Milwest representatives (to which the Commission is not a party). **A motion was then made by Mr. Kent and seconded by Mr. Turner to authorize the Commission to accept the conservation easement for the subject property, and to issue the 47.70 Credits, as soon as (1) the stipulation with the language acceptable to the Commission counsel is signed by both the County and Milwest, (2) is so ordered by the court involved, and (3) is filed with the County Clerk. A brief discussion ensued between Mr. Like and Mr. Milazzo regarding the exact version of the stipulation language that would be acceptable. The motion was then approved by a 5-0 vote.**

There was a brief recess at this point until 3:00 pm.

## **Public hearings**

### **Compatible Growth Area (CGA)**

Roanoke Sand & Gravel Proposed Asphalt Plant / Middle Island (200-345-1-p/o 1.4, 1.5) / Assertion of Jurisdiction application assertion issued 6/15/05; (materials distributed; decision deadline is currently 12/21/05)

Summary: A separate stenographic transcript exists for this item. The hearing record was left open. No votes were recorded during the hearing.

Hampton Club Residential Subdivision / Eastport (200-563-4-2, 5.1; 200-594-1-5) / CGA hardship (materials distributed; decision deadline is 02/04/06)

Summary: A separate stenographic transcript exists for this item. The hearing record was left open. No votes were recorded during the hearing.

## **Adjournment**

Summary: The meeting adjourned at approximately 6:18 pm without a formal resolution.

## **Attachments (in order of discussion):**

1. Attendance sheets (11/16/05; 5 pages)
2. Project location map for today's meeting (11/16/05; 1 page)
3. Brookhaven Walk decision extension request (11/15/05; 1 page)
4. CPB Plan Update presentation copy (10/26/05; 47 pages)
5. ATV purchase bid results (11/2/05; 1 page)



**Commission Meeting Summary (FINAL)  
for Wednesday, December 21, 2005 (Approved 1/18/06)  
at the Brookhaven Town Hall,  
1 Independence Hill, Farmingville, 2:00 pm**

Commission members present: Mr. Scully (for New York State), Mr. Deering and Ms. Longo (for Suffolk County), Ms. Prusinowski and Mr. Turner (for Brookhaven), Mr. Kent (for Riverhead), and Mr. Shea (for Southampton).

Others present: Staff members included Mr. Corwin, Ms. Jakobsen, Ms. Mills, Ms. Carter, Mr. McNally, and Ms. Eichelberger (from the Commission), and Mr. Pavacic (from the NYS Department of Environmental Conservation (NYS DEC)). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:10 pm by Mr. Scully, with a five member quorum.

### **Public Comment and Administrative**

Peter A. Scully  
Chair

Philip J. Cardinale  
Member

Patrick A. Heaney  
Member

John Jay LaValle  
Member

Steve A. Levy  
Member

#### **Public comments**

Summary: The first speaker was Mr. Paul Sharlow, an attorney with the firm of Devorsetz Stinziano Gilberti Heintz & Smith in Syracuse, currently representing the Roanoke Asphalt Plant project sponsors. Mr. Sharlow stated that his comments at this point were not upon the Roanoke Asphalt application, but rather upon the Middle Country Road Land Use Plan. He read the attached statement, which argues that the Commission has jurisdiction over this plan, and also that the Commission should assert review jurisdiction over it.

The second speaker was Ms. Susie Husted, representing the Long Island Pine Barrens Society. She reported that the Society is seeking enforcement action by the NYS Attorney General's Office regarding the Brookhaven Firemen's Park Shooting Range facility as well as the water ski park being developed at the Calverton EPCAL facility. She also noted that the Society wants to see a project "filter" developed to enable the Commission and staff to efficiently screen out those projects which would not be eligible for Commission approval without putting them through a lengthy review process.

Minutes for 11/16/05: review, approval

Summary: **A motion was made by Mr. Turner and seconded by Mr. Shea to approve the 11/16/05 minutes as drafted. The motion was approved by a 5-0 vote.**

Meeting schedule: review, approval

Summary: **A motion was made by Shea and seconded by Ms. Longo to approve the attached meeting schedule. The motion was approved by a 5-0 vote.**

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### **Project Decisions**

#### **Compatible Growth Area (CGA)**

Roanoke Sand & Gravel Proposed Asphalt Plant / Middle Island (200-345-1-p/o 1.4, 1.5) /  
Assertion of Jurisdiction: status; decision extension request to 1/18/06 (*assertion issued 6/15/05; (application materials distributed; request to be distributed; hearing held 11/16/05; **ECL 57 decision deadline is currently 12/21/05**)*)

*Summary:* A brief discussion ensued regarding the fact that the Commission cannot decide this application until the SEQRA process is complete, as well as the attached correspondence from the applicant's attorney which objects to the Commission's review and jurisdiction, while also agreeing to a one month extension of the Commission's ECL 57 decision deadline. Present and speaking today for the applicant was Mr. Kevin Brown, an attorney, who discussed this correspondence. Following this, **a motion was made by Mr. Deering and seconded by Mr. Turner to approve the decision extension request for this project to the 01/18/06 meeting. The motion was approved by a 5-0 vote.**

*Several individuals then spoke on this application. Attached are copies of materials distributed. The first speaker was Mr. Arnie Hansen of Leisure Village who identified himself as a local newspaper columnist and a victim of chronic obstructive pulmonary disease (COPD). He stated that the project would be especially bad for the health of COPD sufferers, and urged the Commission to stop it.*

*The second speaker was Mr. Robert Golden of Middle Island who spoke about the sole source aquifer; that there are 12,000 families within a two mile radius; that thousands of petition signatures have been submitted to the Commission opposing the project; that deadly toxins would emanate from the project; and that he has submitted materials (attached) describing those harmful compounds. He also referred to industrial accidents in other parts of the nation involving asphalt facilities.*

*The third speaker was Mr. Ira Siegel who stated that the toxins from this plant will go into the sole source aquifer, and he used colored water bottles and mixed them to demonstrate his point.*

*The fourth speaker was Mr. Fred Frye who worried about the effects upon people of diesel oil and other pollutants.*

*The fifth speaker was Mr. John Byrne representing Brookhaven Councilwoman Elect Connie Kepert, who read the attached statement opposing the asphalt plant.*

*The sixth speaker was Mr. Gregory Rossi, who pointed out that if the current efforts to control all terrain vehicles indicate that they are bad for the environment, then the asphalt plant should also be stopped.*

*The seventh speaker was Mr. Kevin Brown, an attorney representing the project sponsor, who stated that he has experts on hand today to answer some of the concerns raised and that the sponsor is not proposing a refining facility. He also noted that the matter will be held over to next month, and noted some of the other regulatory review that either is, or will be, underway.*

*The eighth speaker was Mr. Eddie Green of Middle Island who described the current project as building waterfront property, referring to the lake being proposed for the mining area.*

Mr. Deering left at this point, and a five member quorum remained.

## Other Project and Land Use Items

### **Compatible Growth Area (CGA)**

Hampton Club Residential Subdivision / Eastport (200-563-4-2, 5.1; 200-594-1-5): revisions to plan (*materials distributed; hearing held 11/16/05; decision deadline is 02/04/06*)  
*Summary:* Ms. Jakobsen discussed the staff report for this recently revised project, including the specific recommendations. Mr. Turner and Mr. Shea offered detailed observations and suggestions regarding the open space portions of the proposed design, including the buffer areas to the adjacent parcels and the roadways.

*Discussion centered upon the easement that would be placed upon the project site's open space, and the physical management requirements that would be necessary to maintain the aesthetic and environmental qualities of the easement area. Mr. Turner noted that the Town does have a standard easement that could be used as a starting point for crafting a customized one for this site. Ms. Jakobsen offered to prepare a draft letter with the revised recommendations from today's discussion for the next Commission meeting, and that was agreed.*

*Ms. Susie Husted of the Long Island Pine Barrens Society raised the issue of whether the revised plans are in conformance with the Plan standards, and stated that, if the site was purchased after the pine barrens act was passed, then the project should meet them. Mr. John LaMura, attorney for the applicant, stated that he believes that the new residents of the proposed development will be protective of the open space area.*

### **Core Preservation Area and CGA**

NYS Department of Transportation / State roadways in pine barrens: request to establish a Memorandum of Understanding re invasive species removal and restoration (*materials to be distributed; no deadlines*)  
*Summary:* Ms. Carter described the recently received (attached) request from the NYS Department of Transportation (NYS DOT) requesting the establishment of a memorandum of understanding (MOU) between the NYS DOT and the Commission. The purpose would be to establish a procedure for determining the conformance of future invasive species removal and native vegetation restoration activities with ECL Article 57. These activities would occur along the NYS DOT maintained roadways within the Central Pine Barrens identified there: Route 25, Route 27, Route I-495, Route 25A, Route 24, and Route 112.

*Present for today's discussion was Mr. Gary Gentile, a landscape architect with the NYS Department of Transportation (DOT), who explained that the NYS DOT is interested in controlling and removing invasive plants from State roadways, including the pine barrens, and preventing new invasions of such plants. He referred to an MOU that already exists between the Adirondack Park Agency and the NYS DOT. The Commission agreed that the staff should work with NYS DOT to produce a draft MOU for future approval by the Commission and the NYS DOT.*

## Public hearing

### **Compatible Growth Area (CGA)**

Wendy's Restaurant / Middle Island (200-379-3-9.3) / hardship (decision deadline is 01/11/06; today is last meeting before then)

***Summary:*** A separate stenographic transcript exists for this item. During the hearing, a ***motion was made by Mr. Turner and seconded by Mr. Kent to agree to and accept the requested ECL Article 57 decision extension for this project to 1/18/06. The motion was approved by a 5-0 vote.***

Mr. Kent left at this point, and a four member quorum remained.

## **Plan, Stewardship & Related Issues**

Land Use Plan update: monthly report

***Summary:*** Mr. McNally reported that this is his last meeting as a Commission staff member, and thanked the Commission members and associated individuals for their assistance with the Plan revision work. He assured the members that he would continue to be available for assistance with the Plan revisions despite his new employment. Mr. Scully and the other members of the Commission thanked and complimented Mr. McNally for his hard and creative work on the Plan updates, and noted that the Commission may involve him in the future in this work.

Protected Lands Council / Dwarf Pitch Pine Trail: update; determination of consistency with easement (to be distributed)

***Summary:*** Ms. Eichelberger distributed the attached materials describing the route of the proposed Dwarf Pitch Pine Trail, and explained the background and current status of this interpretive trail effort. She described the proposed signage for the trail, the process that was used to lay it out so as to minimize new clearing, and the future plans for a larger trail and a possible observation tower.

She noted that the proposed trail route traverses properties owned by NYS DEC and Suffolk County Parks, and that both of those properties have permanent conservation easements on them that were imposed by the original private owner prior to their sale to these agencies. The easement originates from the Pine Barrens Credit Program, and is held by the Commission. She recommended that the Commission consider adopting a resolution finding that the proposed trail route is in conformance with the conservation easement. Mr. Turner complimented her for the fine effort to date on this project, and stated that the interpretive trail will be an important asset for environmental education.

***A motion was then made by Mr. Shea and seconded by Ms. Longo to adopt the following resolution:***

***“Whereas, the short, public access interpretive and educational trail which the Commission, the Suffolk County Water Authority, the SC Parks Department and the NYS Department of Environmental Conservation, the Town of Southampton, and The Nature Conservancy have been designing is to be located on lands currently owned by SC Parks and NYS DEC which are subject to a Pine Barrens Credit Program easement (incorporated herein by reference, and found at Liber D00012381 Page 374 of the SC Clerk’s Office) along the east side of County Road 31 (such lands formerly being known as the “WJF Realty property”), and***

***Whereas, the attached route has been designed to be in full conformance with the provisions of that easement, and has been reviewed by Commission legal counsel and found to be in such conformance,***

***Now, therefore, be it resolved***

***That the route for this trail as shown is hereby approved by the Commission and deemed to be in conformance with the applicable easement.”***

***The motion was approved by a 4-0 vote.***

Wildfire Task Force: recommendations for new Chair and Co-Vice Chair, addition of Suffolk County Arson Task Force (*memo faxed; from 11/29 WTF meeting*)  
Summary: *Mr. Corwin summarized the attached 11/29/05 recommendations of the Wildfire Task Force that Mr. John Urevich be named as the new Chair, that Mr. Edward Schneyer be named as a new Co Vice Chair, and that the Suffolk County Arson Task Force be added as a new organizational member of the Wildfire Task Force.*

***A motion was then made by Ms. Longo and seconded by Mr. Shea to confirm both Mr. Urevich as the new Chair, and Mr. Schneyer as the new Co Vice Chair, of the Wildfire Task Force. The motion was approved by a 4-0 vote.***

***A motion was then made by Ms. Longo and seconded by Mr. Shea to amend the Wildfire Task Force enabling resolution to include the Suffolk County Arson Task Force as a member. The motion was approved by a 4-0 vote.***

#### **Adjournment**

Summary: ***A motion was made by Mr. Shea and seconded by Mr. Turner to adjourn. The motion was approved by a 4-0 vote, and the meeting ended at approximately 4:03 pm.***

#### **Attachments (in order of discussion):**

1. Attendance sheet (date; 5 pages)
2. Project location map for today's meeting (date; 1 page)
3. Statement of Paul Sharlow re Middle Country Road Land Use Plan (12/21/05; 2 pages)
4. Draft 2006 Meeting Schedule (12/9/05; 1 page)
5. Roanoke Asphalt letter from sponsor's attorney, Mr. Sharlow (12/13/05; 8 pages)
6. Materials re Roanoke project and asphalt plants in general (misc. dates; 37 pages)
7. Statement from Connie Kepert re Roanoke Asphalt (undated; 1 page)
8. Letter and attachments from NYS DOT re proposed invasives MOU (12/7/05; 8 pages)
9. Dwarf Pine Plains Trail description, resolution, map, and easement (misc. dates; 17 pages)
10. Memo re WTF recommendations (12/21/05; 1 page)
11. Letter from SC Arson Task Force requesting WTF membership (11/28/05; 1 page)